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Security Council

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**General Assembly**
**Fifty-fifth session**
Agenda item 40
**The situation in the Middle East**

**Security Council**
**Fifty-sixth year**

## Letter dated 23 April 2001 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the statement on the escalation of violence in the Middle East issued on 18 April 2001 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under agenda item 40, and of the Security Council.

(*Signed*) Pierre **Schori**
Permanent Representative of Sweden
to the United Nations

01-35464 (E) 300401 300401

## Annex to the letter dated 23 April 2001 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General

[Original: English and French]

## Statement on the escalation of violence in the Middle East issued on 18 April 2001 by the Presidency of the European Union on behalf of the European Union

The European Union is extremely concerned about the dangerous escalation of violence in the Middle East. The Israeli attack on Syrian objectives in Lebanon, the first in many years, as a retaliation for the Hizbollah attacks on the Shebaa farms, was an excessive and disproportionate reply. Furthermore, the excessive use of the army and the disproportionate Israeli reply to mortar attacks from Palestinian administered territories on Israeli targets further escalate violence and aggravate the conflict. Israeli incursions into Palestinian controlled territories are illegal and must not be repeated.

The spiral of violence must be reversed. The price to be paid by the peoples of the region could be high. The European Union urges all parties to act with maximum restraint, restore calm and do their utmost to prevent actions that may claim new victims.

The European Union remains convinced that there is no alternative to a negotiated solution based on international law, in particular, Security Council resolutions 242 (1967) and 338 (1973), and the principle of land for peace. The Union encourages both parties to engage in serious attempts to find a negotiated solution at this critical juncture and welcomes efforts that are made to this effect such as the Egyptian-Jordanian initiative.

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**Fifty-fifth session**
Agenda item 43
**The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development**

## Letter dated 26 April 2001 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the statement on the third anniversary of the murder of Bishop Gerardi on 26 April 2001, issued on 25 April 2001 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly.

(*Signed*) Pierre **Schori**
Permanent Representative of Sweden to the United Nations

01-35474 (E) 300401 300401

## Annex to the letter dated 26 April 2001 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General

[Original: English and French]

## Statement on the third anniversary of the murder of Bishop Gerardi on 26 April 2001 issued on 25 April 2001 by the Presidency of the European Union on behalf of the European Union

The European Union respectfully honours the memory of Monsignor Gerardi today, three years after his brutal murder, and welcomes the recent opening of his murder trial.

The European Union has noted with approval President Alfonso Portillos's repeatedly expressed determination to see Bishop Gerardi's murder solved. It sympathizes with and supports the judges, judicial authorities, members of the legal profession and other actors involved throughout the difficulties of this entire process of investigation and trial, particularly those who have become the target of threats and assaults.

The European Union views with the greatest concern the increasing number of threats and assaults made not only against judges and members of the judicial authorities, but also against human rights activists, journalists and political leaders. The European Union utterly condemns these acts, which impede progress in strengthening the rule of law, and urges the Government of Guatemala to protect those targeted and have the incidents investigated, so that legal action can be taken to punish those responsible.

The European Union calls upon all Guatemalans to respect human rights and the rule of law. It urges the appropriate authorities to combat impunity before the law and to implement the recommendations of the Commission for Historical Clarification, with special emphasis on the establishment of a follow-up body. The European Union also stresses the importance of the recommendations contained in the Project for the Recovery of Historical Memory (REMHI) report "Guatemala Nunca Más" (Guatemala Never Again).

The European Union also strongly encourages all Guatemalans, and particularly those in authority, to renew their efforts to implement the peace accords, which continue to have a central and fundamental role to play in the strengthening of democracy, national reconciliation and development in Guatemala.

Ultimately, the European Union reiterates the importance implied by the clarification of the assassination of Monsignor Gerardi, as well as the punishment of the perpetrators, in the framework of efforts to combat impunity and to consolidate a society governed by the rule of law.

The European Union looks forward to maintaining constructive bilateral relations with Guatemala based on the respect for human rights and the implementation of the peace accords.

The Central and Eastern European countries associated with the European Union, the associated countries Cyprus, Malta and Turkey, and the European Free Trade Association countries members of the European Economic Area align themselves with the present declaration.

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**General Assembly**
**Fifty-fifth session**
Agenda items 64 and 114

**Question of Cyprus**

**Human rights questions**

**Security Council**
**Fifty-sixth year**

## Letter dated 27 April 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 27 April 2001, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda items 64 and 114, and of the Security Council.

(*Signed*) Umit **Pamir**
Ambassador
Permanent Representative

01-35568 (E) 030501

## Annex to the letter dated 27 April 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I would like to refer to the letter dated 10 April 2001 addressed to you by the Greek Cypriot representative at the United Nations (A/55/895-S/2001/345), enclosing the text of a European Parliament resolution concerning Panicos Tsiakourmas, who was arrested on 13 December 2000 within the territory of the Turkish Republic of Northern Cyprus for possession of drugs.

In connection with the above-mentioned unfortunate and misguided resolution, I have the honour to enclose herewith a copy of the letter dated 16 April 2001 addressed to the President of the European Parliament by His Excellency Mr. Ertuğrul Hasipoğlu, President of the Legislative Assembly of the Turkish Republic of Northern Cyprus (see enclosure I), as well as the text of a statement issued on 7 April 2001 by the Ministry of Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus on the same subject (see enclosure II).

As you may already know, after the completion of the judicial process initiated by the independent judiciary of the Turkish Republic of Northern Cyprus, the Gazi Mağusa District Court, on 26 April 2001, sentenced Panicos Tsiakourmas to six months in jail. Subsequently, the Court ordered his immediate release based on time already served and good conduct.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

## Enclosure I

## Letter dated 16 April 2001 from the President of the Legislative Assembly of the Turkish Republic of Northern Cyprus to the President of the European Parliament

I have the honour to refer to the resolution entitled "Abduction of Mr. Tsiakourmas in Cyprus", recently adopted by the European Parliament, and to bring to your kind attention the following.

The said resolution, largely tabled by Greek members, reflects wholly the Greek Cypriot viewpoint, casting aside all the facts and legal aspects of the Tsiakourmas case and the rule of law in the Turkish Republic of Northern Cyprus (TRNC), and as such it is irrelevant to the case in question and harmful to efforts to bring about reconciliation on the island.

With this resolution, the European Parliament has not only made baseless allegations concerning the situation in Cyprus but has also arrogated to itself the right to interfere in the internal affairs of the TRNC and in the independent judicial process concerning a serious offence, such as drug smuggling, which has already been referred to the due process of law.

I wish to stress that there is no "occupation" in Cyprus, as alleged in the resolution, but a lawful presence based on international treaties. Turkey's intervention in Cyprus was undertaken in accordance with her rights and obligations under the Treaty of Guarantee of 1960 and Turkish forces are in Cyprus with the full consent of the Turkish Cypriot people, who by exercising their inherent right to self-determination established the Turkish Republic of Northern Cyprus (TRNC) in November 1983, 20 years after having been left stateless by the Greek Cypriots. It should be understood that the presence of Turkish forces in Northern Cyprus, particularly in the absence of a comprehensive agreement, is a vital security requirement for the Turkish Cypriot people because it serves as a deterrent against the repetition of Greek-Greek Cypriot aggression.

It hardly needs to be stressed that the TRNC is not a "local administration in the occupied area of Cyprus", as claimed in the aforementioned resolution. There is no question of Turkey exercising jurisdiction in the TRNC, which has its own democratically elected government, exercising full and exclusive authority and jurisdiction over the territory and people of the State. Turkey, therefore, cannot be held accountable for the policies and/or actions of the legitimate authorities of the TRNC. Rather than questioning the legitimacy of the TRNC, the European Parliament would better serve prospects for reconciliation in Cyprus by questioning the myth that the Greek Cypriot administration in Southern Cyprus, which in 1963 forcibly usurped the seat of government of the binational partnership Republic of 1960, is the "legitimate Government of Cyprus".

I would like to emphasize that Mr. Panicos Tsiakourmas was not abducted but lawfully arrested by the TRNC authorities. On 12 December 2000, Mr. Tsiakourmas was arrested by the Narcotics Department of the Turkish Cypriot police near the village of Beyarmudu in TRNC territory on suspicion of dealing in narcotics. More than one kilogram of narcotics was found in his possession and on the same day Mr. Tsiakourmas was brought before the Lefkoşa District Court, which ordered his

detention. United Nations officials in Cyprus were duly informed about the incident and the detainee was examined by a United Nations Peacekeeping Force in Cyprus (UNFICYP) doctor, who found his condition fully satisfactory. Mr. Tsiakourmas continues to be under the care and supervision of a Turkish Cypriot specialist, Dr. Hasan Sav, and is visited regularly by a UNFICYP physical, as well as a family doctor.

In accordance with legal procedure, Mr. Tsiakourmas was detained at the Lefkoşa Central Prison until his preliminary inquiry began at the Gazi Mağusa District Court, on 8 February 2001. On 15 February, the court committed the case to the Assize Court and his case came before the Gazi Mağusa Assize Court on 21 February, where it is currently continuing.

Mr. Tsiakourmas has been and is being treated with full care and respect for the due process of law. He has retained a team of lawyers, including a Turkish Cypriot lawyer, Mr. Menteş Aziz, who have full access to him, and Mr. Tsiakourmas benefits from all his legal rights, including full medical care and visits by his family. Greek Cypriot allegations aiming at politicizing this case, which is still under trial, are unfounded and constitute an unwarranted interference in the due process of law in a democratic country with an independent judiciary. For your information, these facts are confirmed, among others, in annual reports of the United States Department of State on human rights practices in Cyprus, which most currently (2000) states that "democratic principles are generally respected" and that "the judiciary is independent of executive and military influence" in Northern Cyprus.

I would be most grateful if this letter were to be circulated among the distinguished Members of the European Parliament.

(*Signed*) Dr. Ertuğrul **Hasipoğlu**
Speaker of the Legislative Assembly

## Enclosure II

## Statement issued on 7 April 2001 by the Ministry of Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus

The resolution adopted by the European Parliament upon the instigation of Greek Parliamentarians in connection with Panicos Tsiakourmas, who was arrested within the Turkish Republic of Northern Cyprus (TRNC) territory for possessing drugs, has been received with regret and has aroused indignation among our people. With this resolution, the European Parliament has arrogated to itself the right to interfere in our internal affairs and our independent judicial process in a case which entails a serious offence, such as drug trafficking, and which has already been referred to court, and has made baseless allegations with regard to the TRNC and Turkey as well as the Cyprus dispute.

TRNC authorities have, from the beginning, respected the legal rights of Mr. Tsiakourmas, who was arrested on 13 December 2000 within TRNC territory for possession of drugs; have provided him with every facility to defend his legal rights; and during this process have also shown the necessary care for his health condition. The United Nations Peacekeeping Force in Cyprus (UNFICYP) is also well aware of these realities and is in a position to confirm them. Against this background, we do not regard the levelling of baseless allegations against the TRNC and Turkey and the distortion of facts under any pretext pertaining to the arrest of Mr. Tsiakourmas as friendly conduct, and we strongly protest it.

It is truly regretful and a cause for concern that the European Parliament should become an instrument of Greek Cypriot-Greek propaganda by attempting to politicize intentionally a criminal case which is currently before independent judicial organs. The conduct of an organization which regards itself as the leading champion of democracy and human rights, when it assumes the role of both a court and a judge by setting aside completely the principle of objectivity, is conduct which is devoid of any sense of justice and equity. One would have expected the European Parliament, which at every opportunity refers to the rule of law, to first respect the law itself.

This decision adopted by the European Parliament, which has used this matter as an excuse to create an opportunity to make pronouncements on the Cyprus issue reflecting the well known Greek Cypriot-Greek allegations, is clearly an ill-intentioned decision. The TRNC is neither a State under the occupation of Turkey nor a "local administration", as claimed by the resolution. It seems that the European Parliament, by putting forward baseless allegations of this nature, is somehow disturbed by the fact that Turkey, by exercising her rights and obligations emanating from the 1960 Treaty of Guarantee, has saved the Turkish Cypriot people from total annihilation and has prevented repetition of similar acts of aggression against Turkish Cypriots. It is also clear that the Parliament has been unable to accept the existence of the Turkish Republic of Northern Cyprus, which is a full fledged sovereign State with its territory, people and democracy, as well as respect for human rights.

By adopting this attitude, the European Parliament has once again demonstrated that it cannot in any way contribute positively to the search for

conciliation in Cyprus. We strongly deplore this one-sided position of the European Parliament, and call upon it to adopt a more realistic and constructive approach.

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Agenda item 40
**The situation in the Middle East**

**Security Council**
**Fifty-sixth year**

## Letter dated 30 April 2001 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to my previous letters on the same subject, I have the honour to convey to you hereunder a list of the violations and infringements that were committed by Israel against Lebanon in the period from 9 to 18 April 2001. Lebanon regards these incidents as an extension of Israel's aggression against its people and territory and as being in flagrant violation of international law.

**9 April 2001**

Between 1000 and 1130 hours an Israeli Poclain-type bulldozer was engaged in earthmoving and fortification work at the Ruwaysat al-Alam outpost in the occupied Shab`a farmlands.

Between 1200 and 1245 hours there were five unexplained explosions in the part of the occupied Shab`a farmlands towards the occupied territories.

**10 April 2001**

Between 1110 and 1140 hours Israeli warplanes overflew the South, Mount Lebanon, the Bekaa and the North at very high altitudes, breaking the sound barrier.

Between 1850 and 1910 hours Israeli enemy forces at the Radar outpost in the occupied Shab`a farmlands directed a number of bursts of medium-machine-gun fire at surrounding areas.

At 1900 hours Israeli enemy forces at the Ramta hill outpost in the occupied Shab`a farmlands fired two 120-mm mortar rounds at surrounding areas.

At 1925 hours Israeli enemy forces at the Ruwaysat al-Alam outpost in the occupied Shab`a farmlands directed a number of bursts of medium-machine-gun fire at surrounding areas.

Between 1940 and 2000 hours an Israeli helicopter flew over the occupied Shab`a farmlands.

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Between 2220 and 2245 hours two Israeli helicopters flew over the occupied Shab'a farmlands.

Between 1320 and 1330 hours Israeli enemy forces at the Radar outpost in the occupied Shab'a farmlands directed a number of bursts of medium-machine-gun fire at surrounding areas. There was also an explosion in the vicinity of the same outpost.

**12 April 2001**

At 1100 hours Israeli warplanes overflew the Bint Jubayl area at high altitudes.

Between 1100 and 1230 hours Israeli warplanes overflew the South at very high altitudes.

At 1810 hours an Israeli gunboat (hull number 814) penetrated some 400 metres inside Lebanese territorial waters off Ra's al-Naqurah. It was accompanied by a rubber dingy with three Israeli soldiers on board, and it remained some 50 metres from the shore. At 1840 hours they both left in the direction of the territorial waters of occupied Palestine. In connection with the foregoing, at 1810 hours a body had been seen tossing about in the sea and being carried towards the Lebanese shore off Ra's al-Naqurah by the waves. The aforementioned rubber dingy approached and took the body on board. It transpired that the body was that of an Israeli fisherman and that they had found it at the boundary between Lebanese territorial waters and those of occupied Palestine (Ra's al-Abyad locality).

**13 April 2001**

Between 1600 and 1610 hours Israeli forces strafed the area around the Ramta hill outpost in the occupied Shab'a farmlands with medium-weapons fire.

At 1210 hours Israeli forces strafed the area around the Radar outpost in the occupied Shab'a farmlands with automatic-weapons fire.

At 1255 hours Israeli forces at one of the outposts in the occupied Shab'a farmlands fired a direct-fire round that impacted in the vicinity of Birkat al-Naqqar opposite the town of Kafr Shuba in the liberated territories.

**14 April 2001**

Between 0000 and 0010 hours Israeli forces at the Radar outpost in the occupied Shab'a farmlands launched two illumination flares and fired four 120-mm mortar rounds that impacted in the Shahal locality opposite Shab'a towards the liberated territories.

At 0015 hours Israeli forces strafed the area around the Radar outpost with medium-weapons fire.

At 1322 hours the radar installation at Beirut International Airport informed the air intelligence branch that two enemy "targets" were circling over the Western Bekaa and Ba'labakk area. They left Lebanese airspace at 1515 hours without incident.

Between 1420 and 1500 hours Israeli enemy forces at the Summaqah, Ruwaysat al-Alam and Radar outposts in the occupied Shab'a farmlands directed a number of bursts of medium-machine-gun fire at surrounding areas. They also fired

several 155-mm artillery shells and 120-mm mortar rounds at the Birkat Ba'tha'il vicinity, the outskirts of Mazra'at Bistra, Birkat al-Naqqar and the Riba' al-Tin area in the liberated Lebanese territories from their positions at Zibdin and Ayn al-Tinah inside the occupied territories. Two Israeli helicopters also flew over the same outposts in the occupied Shab'a farmlands.

Between 1550 and 1600 hours Israeli warplanes attacked the road between Naqqar Shab'a and Kafr Shuba in the liberated Lebanese territories, firing two air-to-surface missiles.

**15 April 2001**

At 1120 hours one of the Israeli enemy troops posted opposite the Lebanese border inside the occupied territories fired one light-weapons round into the air in order to panic the Lebanese citizens on the Lebanese side of the Fatimah gate.

Between 1100 and 1600 hours a bulldozer belonging to the Israeli enemy forces was engaged in excavation work inside the occupied territories along the Lebanese border south of Ghajar with the assistance of an Israeli patrol consisting of three M-113 armoured personnel carriers. The patrol subsequently left with the bulldozer in the direction of the occupied territories in northern Palestine.

At 1515 hours one of the Israeli enemy soldiers posted at the Abbad position opposite outlying areas of Hula fired several light-weapons rounds into the air in order to cause panic.

At 1610 hours a slow-moving enemy "target" violated Lebanese airspace west of Damur, circling between Khaldah and Damur on a course that took it 5 nautical miles out to sea and 2 inland and leaving Lebanese airspace at 1903 hours.

**16 April 2001**

Between 0920 and 0950 hours Israeli warplanes overflew the South at very high altitudes, breaking the sound barrier in the Tyre area.

Between 1125 and 1320 hours Israeli warplanes overflew the South, the Bekaa, the North and Mount Lebanon breaking the sound barrier and releasing heat balloons in the Jazzin area and off Batrun.

Between 1500 and 1505 hours Israeli warplanes overflew Lebanese territorial waters off Tyre at very high altitudes.

Between 1825 and 1925 hours Israeli forces at the Ramta hill and Mazra'at Fashkul outposts in the occupied Shab'a farmlands directed a number of bursts of medium-machine-gun fire at surrounding areas.

**17 April 2001**

At intervals between 0900 and 1215 hours Israeli warplanes overflew all parts of Lebanon at very high altitudes. An Israeli reconnaissance aircraft also flew over the Shab'a farmlands.

Between 1445 and 1505 hours Israeli warplanes circled over the sea 7 nautical miles off Shikka at very high altitudes before heading south at a distance of some 2 nautical miles from the Lebanese coast.

**18 April 2001**

Between 0850 and 0900 hours Israeli warplanes overflew the South at very high altitudes.

Between 0940 and 0955 hours Israeli warplanes overflew the South, Mount Lebanon and the North at very high altitudes.

At 0750 hours overflights by Israeli warplanes were reported in the Arqub area.

At 0940 hours Israeli warplanes overflew the South as far as the occupied Shab`a farmlands and Bint Jubayl as well as coastal areas of Iqlim al-Kharrub.

At 0910 hours Israeli enemy warplanes flew over the occupied Shab`a farmlands as far as the liberated village of Mazra`at al-Majidiyah.

At 1005 hours Israeli enemy warplanes overflew the Marj Uyun area at moderate altitude.

At 1200 hours a number of medium-weapons rounds were heard being fired from the Ruwaysat al-Alam outpost in the occupied Shab`a farmlands and enemy reconnaissance aircraft also overflew the area.

At intervals between 1215 and 1900 hours an Israeli reconnaissance aircraft flew over the Jazzin area and the occupied Shab`a farmlands.

At 1500 hours the outskirts of Shab`a town received bursts of fire from inside the occupied Shab`a farmlands.

At 2010 hours an Israeli enemy gunboat in the territorial waters of occupied Palestine off Ra's al-Naqurah launched an illumination flare over the area.

At 2230 hours vehicles were heard on the move near Birkat al-Naqqar in the occupied Shab`a farmlands.

At 2300 hours an Israeli enemy gunboat in the territorial waters of occupied Palestine off Ra's al-Naqurah launched an illumination flare over the surrounding area.

Like the previous Israeli violations of which it represents a continuation, this latest series is in flagrant violation of Security Council resolution 425 (1978) and of Lebanon's sovereignty and poses a threat to stability in the region.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 40, and of the Security Council.

(*Signed*) Sélim **Tadmoury**
Ambassador
Permanent Representative

United Nations A/55/924–S/2001/435

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**General Assembly**
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Agenda item 164
**Measures to eliminate international terrorism**

**Security Council**
**Fifty-sixth year**

## Letter dated 1 May 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the worsening of the security situation which has resulted from an escalation of violence and terrorism perpetrated against Israel by Palestinian terrorists in recent days.

Early this morning, Assaf Hershkovitz, 31 years old and the father of two children, was murdered in an ambush when his vehicle was fired upon and overturned on the road between Ofra and Beit El. Hershkovitz is the son of Arieh Hershkovitz, 55, who died in a similar attack on 29 January 2001 which was referred to in my letter dated 2 February 2001 (A/55/762-S/2001/103).

In the afternoon of 30 April 2001, Esther Sa'adah and her daughter Ayelet, 26, narrowly escaped injury when a bomb planted inside their car exploded in the community of Rafiah Yam.

On Sunday, 29 April 2001, a suicide bomber blew himself up close to a busload of 40 junior high-school students who had left the community of Shavei Shomron. The protective armour of the bus prevented injuries. Minutes before the explosion, the suicide bomber had passed two IDF jeeps but chose instead to target the school bus. That same afternoon, several mortar shells were fired at the community of Kfar Darom and two additional explosive devices were discovered in Netanya.

This past Saturday, 28 April 2001, a barrage of Palestinian mortar fire on the community of Nezer Hazani wounded five teenagers at a youth club. Also on Saturday, an Israeli civilian was murdered in a terrorist drive-by shooting near Wadi Ara and a Romanian labourer was stabbed by a Palestinian man as the two travelled in the same taxi.

These recent attacks, in addition to the approximately 20 shooting incidents which occur daily, are merely the latest incidents in the ongoing Palestinian terrorist campaign against Israel. I have detailed earlier attacks in my letters dated 23 April 2001 (A/55/910-S/2001/396), 16 April 2001 (A/55/901-S/2001/364), 28 March 2001 (A/55/863-S/2001/291), 27 March 2001 (A/55/860-S/2001/280), 26 March 2001

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(A/55/858-S/2001/278), 19 March 2001 (A/55/842-S/2001/244), 5 March 2001 (A/55/821-S/2001/193), 2 March 2001 (A/55/819-S/2001/187), 14 February 2001 (A/55/787-S/2001/137), 13 February 2001 (A/55/781-S/2001/132), 2 February 2001 (A/55/762-S/2001/103), 25 January 2001 (A/55/748-S/2001/81), 23 January 2001 (A/55/742-S/2001/71), 28 December 2000 (A/55/719-S/2000/1252), 22 November 2000 (A/55/641-S/2000/1114), 20 November 2000 (A/55/634-S/2000/1108) and 2 November 2000 (A/55/540-S/2000/1065).

This situation is clearly unacceptable and cannot be allowed to continue. Regrettably, the Palestinian leadership still refuses to comply with its obligations to prevent terrorist activity against Israel.

Despite the persistent threat of terrorism, Israel has taken substantive measures to ease living conditions of the civilian population in the areas under the control of the Palestinian Authority. To that end, 15,000 work permits have already been issued to Palestinians seeking employment in Israel; roads have been opened throughout the territories; international crossings to Egypt and Jordan have been opened; and controls on the movement of merchandise have been relaxed.

The Government of Israel is fully committed to regional peace and stability and will persevere in its quest to achieve these objectives for the benefit of all the peoples of the Middle East. At the same time, it cannot countenance continuous daily attacks on its citizens and will persist in fighting terrorism — the single greatest threat to peace and stability in the region.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the General Assembly, under agenda item 164, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations A/55/925

General Assembly

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**Fifty-fifth session**
Agenda item 134
**Financing of the United Nations Transitional Administration in East Timor**

# Financial performance report of the United Nations Transitional Administration in East Timor for the period from 1 December 1999 to 30 June 2000

## Report of the Secretary-General

*Summary*

The present report contains the financial performance report of the United Nations Transitional Administration in East Timor (UNTAET) for the period from 1 December 1999 to 30 June 2000. The General Assembly, by its resolution 54/246 B of 7 April 2000, appropriated the amount of $350 million gross ($341,084,300 net) for the period, inclusive of the amount of $200 million authorized by the Assembly in its resolution 54/246 A of 23 December 1999.

Expenditures for the period totalled $292,010,000 gross ($287,968,200 net), resulting in an unencumbered balance of $57,990,000 gross ($53,116,100 net).

The unencumbered balance was primarily attributable to the delayed deployment of international staff, which resulted in a higher vacancy rate, reduced requirements under air operations and lower requirements for utilities, construction/prefabricated buildings, communications equipment and transport of contingent-owned equipment.

The action to be taken by the General Assembly in connection with the financing of the mission is set out in paragraph 17 of the present report.

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# I. Introduction

1. The Security Council, by its resolution 1272 (1999) of 25 October 1999, established the United Nations Transitional Administration in East Timor (UNTAET) for an initial period until 31 January 2001.

2. The Secretary-General, in his report of 29 November 1999 (A/54/236/Add.1), submitted a request for commitment authority, with assessment, in the amount of $205.4 million to meet the most immediate requirements of UNTAET, pending submission of the detailed budget to the General Assembly.

3. The General Assembly, by its resolution 54/246 A of 23 December 1999, authorized the Secretary-General to enter into commitments in an amount not exceeding $200 million for the initial requirements of the mission. By the same resolution, the Assembly decided to apportion that amount among Member States.

4. The Secretary-General's detailed budget for the establishment and operation of UNTAET for the period from 1 December 1999 to 30 June 2000, contained in document A/54/769 of 7 March 2000, amounted to $386,341,400 gross ($377,425,700 net), inclusive of the $200 million commitment authority granted by the General Assembly. It was based on the phased deployment of the authorized strength of 200 military observers, 8,950 contingent personnel (taking into account the transition of troops from the International Force in East Timor (INTERFET) during the month of February 2000), 1,640 civilian police (including two rapid-reaction units and a marine police unit) and a civilian establishment of 1,185 international staff, 13 National Officers, 1,892 local staff and 486 United Nations Volunteers.

5. The Advisory Committee on Administrative and Budgetary Questions, in paragraph 42 of its report on the financing of UNTAET dated 17 March 2000 (A/54/804), recommended that the General Assembly appropriate the amount of $350 million for the period from 1 December 1999 to 30 June 2000, inclusive of the amount of $200 million authorized by the Assembly in its resolution 54/246 A. In addition, the Advisory Committee recommended that the Assembly authorize the assessment of the amount of $150 million for the period from 1 December 1999 to 30 June 2000, taking into account the amount of $200 million already assessed on Member States in accordance with resolution 54/246 A.

6. The General Assembly, by its resolution 54/246 B of 7 April 2000, appropriated the amount of $350 million gross ($341,084,300 net) for the establishment and maintenance of UNTAET for the period from 1 December 1999 to 30 June 2000, inclusive of the amount of $200 million authorized by the Assembly in its resolution 54/246 A. The balance of the total appropriation has been assessed on Member States.

# II. Implementation of the budget

7. Information on the establishment and operations of UNTAET and on the situation on the ground during the period under review is contained in the reports of the Secretary-General to the Security Council of 4 October 1999 (S/1999/1024), 26 January 2000 (S/2000/53) and 8 February 2000 (S/2000/53/Add.1) and in his letters of 29 December 1999 (S/1999/1294) and 25 January 2000 (S/2000/62).

8. During the period under review, UNTAET was established as an integrated and multidimensional operation to provide a transitional administration for East Timor in close consultation with the East Timorese and focused on local capacity-building, while establishing and overseeing the development of provisional self-governing institutions capable of providing basic public services and a fully functioning administration of justice. In addition, UNTAET was tasked to oversee the provision and coordination of humanitarian and emergency rehabilitation assistance, as well as to provide security and maintain law and order throughout the Territory.

9. During the reporting period, high vacancy rates for civilian personnel impacted on the implementation of the budget. As compared with the projected vacancy rate of 30 per cent for both international and local staff, the actual average vacancy rates were 60 and 40 per cent, respectively. The vacancy rate for international staff limited the efficacy of the support provided by the mission administration in that longer periods were required to provide logistical support to the substantive areas of the mission, particularly at the district level. Vacancies in the East Timor Transitional Administration (ETTA) necessitated the employment of consultants for specialized government functions. Recruitment against 13 National Officer posts authorized had to be carefully considered and managed in order not to inadvertently create disequilibrium arising from variances in compensation between professional civil servants working for ETTA and those employed by UNTAET.

10. The reduced level of helicopter and fixed-wing operations also had a significant impact on budget implementation. Substantial under-expenditure under this heading resulted from delays in the identification of Governments and/or commercial contractors whose equipment met the specific technical requirements of the mission. Subsequently, the mission reconfigured its helicopter operation requirements from 24 to 22 in the 2000/01 financial period.

11. The substantial variances between the initial budgetary assumptions as compared with actual expenditures during the period and the resulting unencumbered balance of some $57.9 million, representing 16.6 per cent of the approved budget, should be viewed in the following context. The establishment of UNTAET occurred within several months of the establishment of the United Nations Interim Administration Mission in Kosovo (UNMIK). During the same period, advance start-up activities for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) were also authorized. These rapid developments severely tested the capacity and capability of the Department of Peacekeeping Operations of the Secretariat, as well as the respective newly established field mission administrations, to cope with the demands of these complex, multidisciplinary missions. While the initial budget of UNTAET was formulated on the basis of initial planning and technical surveys and took account of the transfer/handover of military and civilian personnel as well as material assets from the United Nations Mission in East Timor (UNAMET), it was necessary in the course of implementing UNTAET activities during the period to adjust its resource requirements in the light of initial operating experience and needs. Requisite adjustments were made to the budget for the current 2000/01 financial period, taking into account the initial pattern of expenditure and experience gained.

# III. Financial performance report for the period from 1 December 1999 to 30 June 2000

12. As indicated in table 1 below, from the appropriation of $350 million gross ($341,084,300 net) for the period from 1 December 1999 to 30 June 2000, expenditures amounted to $292,010,000 gross ($287,968,200 net), inclusive of $159,717,700 in unliquidated obligations. The resulting unutilized balance of $57,990,000 gross ($53,116,100 net) represents some 16.6 per cent of the appropriation. Annex I to the present report contains the financial performance information for the reporting period by budget line item, with supplementary information on significant variances presented in annex II. Annex IV contains a chart showing apportionment and expenditure by main budget group.

Table 1
**Apportionment and expenditure**
(Thousands of United States dollars)

| *Category of expenditure* | *Apportionment* | *Expenditure* [a] | *Variance* |
|---|---|---|---|
| Military personnel | 99 981.4 | 98 689.6 | 1 291.8 |
| Civilian personnel | 85 365.9 | 62 967.7 | 22 398.2 |
| Operational requirements | 154 853.8 | 125 699.5 | 29 154.3 |
| Other programmes | 883.2 | 611.4 | 271.8 |
| United Nations Logistics Base at Brindisi | - | - | - |
| Support account for peacekeeping operations | - | - | - |
| Staff assessment | 8 915.7 | 4 041.8 | 4 873.9 |
| **Gross requirements** | **350 000.0** | **292 010.0** | **57 990.0** |
| Income from staff assessment | (8 915.7) | (4 041.8) | (4 873.9) |
| **Net requirements** | **341 084.3** | **287 968.2** | **53 116.1** |
| Voluntary contributions in kind (budgeted) | - | - | - |
| Voluntary contributions in kind (non-budgeted) | - | - | - |
| **Total resources** | **350 000.0** | **292 010.0** | **57 990.0** |

[a] Includes an amount of $159,717,700 in unliquidated obligations.

13. Information on the deployment of military and civilian personnel during the reporting period is provided in table 2 below and in annex III to the present report.

Table 2
**Authorized staffing, incumbency and vacancy rates for military and civilian personnel for the period from 1 December 1999 to 30 June 2000**

| *Personnel category* | *Authorized strength* | *Actual strength (average)* | *Vacancy rate (percentage)* |
|---|---|---|---|
| Military observers | 200 | 190 | 5 |
| Military contingents | 8 950 | 5 496 | 39 |
| Civilian police | 1 640 | 860 | 48 |
| International staff | 1 185 | 474 | 60 |
| National officers | 13 | - | 100 |
| Local staff | 1 892 | 1 139 | 40 |
| United Nations Volunteers | 486 | 211 | 57 |

# IV. Application of article IV of the Financial Regulations of the United Nations

14. In a report to the General Assembly at its thirty-third session (A/C.5/33/45) on the United Nations Emergency Force/United Nations Disengagement Observer Force (UNEF/UNDOF), the Secretary-General indicated, inter alia, that the amounts owed to troop-contributing Governments could not be paid in the time frame envisaged under financial regulation 4.3. That situation continues to be experienced in current peacekeeping operations. Consequently, over the years the Assembly has adopted special arrangements whereby appropriations required in respect of obligations owed to Governments providing contingents and/or logistic support to the mission have been retained beyond the period stipulated under financial regulations 4.3 and 4.4.

15. In the case of UNTAET, as in the case of UNEF/UNDOF and other more recent peacekeeping operations, including the United Nations Mission in the Central African Republic (MINURCA), there are currently certain amounts obligated for reimbursement to Governments for death and disability compensation, contingent-owned equipment and self-sustainment that will be required for the settlement of claims.

16. Accordingly, it is proposed that special arrangements with regard to article IV of the Financial Regulations of the United Nations similar to those contained in the annex to General Assembly resolution 53/238 of 8 June 1999 related to MINURCA be applied to UNTAET, as follows:

(a) At the end of the 12-month period provided for in regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts payable shall remain recorded in the special account until payment is effected;

(b) (i) Any other unliquidated obligations of the financial period in question owed to Governments for provision of goods and services rendered but not yet verified, as well as other obligations owed to

Governments, for which claims have not yet been received, shall remain valid for an additional period of four years following the end of the 12-month period provided for in regulation 4.3;

(ii) Claims received during this four-year period as well as approved verification reports shall be treated as provided under subparagraph (a) above, if appropriate;

(iii) At the end of the additional four-year period, any unliquidated obligations shall be cancelled and the then-remaining balance of any appropriations retained therefor shall be surrendered.

## V. Action to be taken by the General Assembly at its fifty-fifth session

17. The action to be taken by the General Assembly in connection with the financing of UNTAET is as follows:

(a) **A decision on the treatment of the unencumbered balance of $57,990,000 gross ($53,116,100 net) for the period from 1 December 1999 to 30 June 2000**;

(b) **A decision that the special arrangements as regards article IV of the Financial Regulations of the United Nations, as detailed in paragraph 16 above, be applied to UNTAET**.

# Annex I

## Financial performance report for the period from 1 December 1999 to 30 June 2000: summary statement

*(Thousands of United States dollars)*

| *Category of expenditure* | *(1)* *Apportionment* [a] | *(2)* *Non-recurrent expenditures* | *(3)* *Total expenditures (inclusive of non-recurrent expenditures)* | *(4) = (1 - 3)* *Variance* |
|---|---|---|---|---|
| **I. Military personnel** | | | | |
| 1. Military observers | 4 574.2 | - | 4 610.1 | ( 35.9) |
| 2. Military contingents | 62 328.9 | - | 61 005.8 | 1 323.1 |
| 3. Other requirements pertaining to military personnel | | | | |
| (a) Contingent-owned equipment | 16 306.8 | - | 18 916.8 | (2 610.0) |
| (b) Self-sustainment | 15 264.6 | - | 12 650.0 | 2 614.6 |
| (c) Death and disability compensation | 1 506.9 | - | 1 506.9 | - |
| **Subtotal, line 3** | 33 078.3 | - | 33 073.7 | 4.6 |
| **Total, category I** | **99 981.4** | **-** | **98 689.6** | **1 291.8** |
| **II. Civilian personnel** | | | | |
| 1. Civilian police | 20 135.0 | - | 20 173.0 | ( 38.0) |
| 2. International and local staff | 57 857.1 | - | 36 582.7 | 21 274.4 |
| 3. United Nations Volunteers | 7 373.8 | - | 6 212.0 | 1 161.8 |
| 4. Government-provided personnel | - | - | - | - |
| 5. Civilian electoral observers | - | - | - | - |
| **Total, category II** | **85 365.9** | **-** | **62 967.7** | **22 398.2** |
| **III. Operational requirements** | | | | |
| 1. Premises/accommodation | 23 935.1 | 10 646.7 | 21 476.6 | 2 458.5 |
| 2. Infrastructure repairs | 2 990.0 | - | 3 310.4 | ( 320.4) |
| 3. Transport operations | 19 592.8 | 14 280.8 | 19 162.4 | 430.4 |
| 4. Air operations | 37 400.2 | 622.9 | 18 310.6 | 19 089.6 |
| 5. Naval operations | 600.0 | - | 492.1 | 107.9 |
| 6. Communications | 24 175.7 | 17 983.6 | 22 144.0 | 2 031.7 |
| 7. Other equipment | 16 699.0 | 15 649.3 | 15 746.2 | 952.8 |
| 8. Supplies and services | 5 461.0 | - | 5 154.1 | 306.9 |
| 9. Air and surface freight | | | | |
| (a) Transport of contingent-owned equipment | 19 100.0 | - | 12 959.4 | 6 140.6 |
| (b) Commercial freight and cartage | 4 900.0 | - | 6 943.7 | (2 043.7) |
| **Subtotal, line 9** | 24 000.0 | - | 19 903.1 | 4 096.9 |
| **Total, category III** | **154 853.8** | **59 183.3** | **125 699.5** | **29 154.3** |

| *Category of expenditure* | *(1)* *Apportionment* [a] | *(2)* *Non-recurrent expenditures* | *(3)* *Total expenditures (inclusive of non-recurrent expenditures)* | *(4) = (1 - 3)* *Variance* |
|---|---|---|---|---|
| **IV. Other programmes** | | | | |
| 1. Election-related supplies and services | - | - | - | - |
| 2. Public information programmes | 883.2 | 258.5 | 611.4 | 271.8 |
| 3. Training programmes | - | - | - | - |
| 4. Mine-clearing programmes | - | - | - | - |
| 5. Assistance for disarmament and demobilization | - | - | - | - |
| **Total, category IV** | **883.2** | **258.5** | **611.4** | **271.8** |
| **V. United Nations Logistics Base at Brindisi** | - | - | - | - |
| **VI. Support account for peacekeeping operations** | - | - | - | - |
| **VII. Staff assessment** | **8 915.7** | - | **4 041.8** | **4 873.9** |
| Gross requirements, categories I-VII | 350 000.0 | 59 441.8 | 292 010.0 | 57 990.0 |
| **VIII. Income from staff assessment** | **(8 915.7)** | - | **(4 041.8)** | **(4 873.9)** |
| Net requirements, categories I-VIII | 341 084.3 | 59 441.8 | 287 968.2 | 53 116.1 |
| **IX. Voluntary contributions in kind (budgeted)** | - | - | - | - |
| **X. Voluntary contributions in kind (non-budgeted)** | - | - | - | - |
| **Total** | **350 000.0** | **59 441.8** | **292 010.0** | **57 990.0** |

[a] Based on appropriation provided by General Assembly resolution 54/246 B

# Annex II

## Supplementary information on significant variances

### Military personnel

*Apportionment: $99,981,400; expenditure: $98,689,600; variance: $1,291,800*

1. The unutilized balance of $1,291,800 under this heading was attributable to the delayed deployment of contingent personnel and formed police units ($1,323,100) and lower requirements for self-sustainment ($2,614,600), which was offset by additional requirements for military observers ($35,900) and contingent-owned equipment ($2,610,000).

#### Military observers

*Apportionment: $4,574,200; expenditure: $4,610,100; variance: ($35,900)*

2. The additional requirement of $35,900 under this heading resulted primarily from the actual number of one-way trips (296) being higher than the provision for 50 one-way trips for the rotation of 25 personnel. Actual travel costs averaged $1,150 per one-way trip, as compared with the budgeted provision of $2,500.

#### Military contingents

*Apportionment: $62,328,900; expenditure: $61,005,800; variance: $1,323,100*

3. The unutilized balance of $1,323,100 under this heading was mainly attributable to the initial delay in deployment of troops and formed civilian police units, resulting in unspent amounts under standard troop cost reimbursement, rations, daily allowance and clothing and equipment allowance.

4. Provisions for standard troop cost reimbursement, daily allowance and clothing and equipment allowance were based on an estimated total of 38,100 person-months in connection with the transition/handover of contingent personnel from the International Force in East Timor (INTERFET) and the phased deployment of additional troops for the period from February to June 2000. The initial deployment delays and the lower average number of personnel deployed during the period resulted in actual requirements totalling 36,521 person-months, thereby resulting in unspent balances under these budget line items.

5. Unspent amounts were also realized under rations, owing to the initial delay in deployment and the lower average number of troops deployed during the period. Against the provision for rations of $12.50 per person per day, actual requirements averaged $12.75 per person per day, on the basis of the provision of rations under letter-of-assist arrangements for the period up to April 2000 and under a commercial contract for the period from May to June 2000.

6. The unspent balance was partially offset by additional requirements resulting from the higher travel costs for the deployment of 2,869 contingent personnel. Compared with the one-way provision of $900 per person, the actual average travel cost was $3,188 per person for 196 military officers by commercial flight and

$1,539 per person for the deployment of 2,673 personnel and repatriation of 67 personnel by charter flight.

**Other requirements pertaining to military personnel**

*Apportionment: $33,078,300; expenditure: $33,073,700; variance: $4,600*

7. The unutilized balance of $4,600 under this heading resulted from lower actual requirements for self-sustainment, owing to the initial delay in the deployment of contingent personnel. However, the unutilized balance was almost entirely offset by additional requirements for contingent-owned equipment, based on the completion of memoranda of understanding with troop-contributing Governments.

## Civilian personnel

*Apportionment: $85,365,900; expenditure: $62,967,700; variance: $22,398,200*

8. The unutilized balance of $22,398,200 under this heading resulted from reduced requirements under international and local staff ($21,274,400) and United Nations Volunteers ($1,161,800), which was offset in part by additional requirements under civilian police ($38,000).

**Civilian police**

*Apportionment: $20,135,000; expenditure: $20,173,000; variance: ($38,000)*

9. Based on the phased deployment of the authorized strength of 1,350 civilian police (excluding 290 police in formed units), the Secretary-General had estimated requirements for mission subsistence allowance at $21,347,700. However, this estimate was adjusted downwards by 25 per cent to $16,126,800 in order to implement the overall reduction by the General Assembly of the Secretary-General's proposed budget for UNTAET of $386.3 million gross to $350 million gross. Compared with the adjusted apportionment, the actual expenditure of $17,199,200 for mission subsistence allowance resulted in the over-expenditure of $1,072,400. This over-expenditure was offset, to a large extent, by unutilized balances under travel and clothing and equipment allowance owing to lower travel costs and the lower number of personnel who completed a six-month period of service.

**International and local staff**

*Apportionment: $57,857,100; expenditure: $36,582,700; variance: $21,274,400*

10. The unutilized balance of $21,274,400 under this heading was primarily attributable to the higher actual vacancy rate of 60 per cent for international staff against the budgeted vacancy factor of 30 per cent. Factors which contributed to the higher vacancy rate included: (a) the relatively short duration of seven months in the financial period against the average time span of three months for completion of the recruitment process; (b) the lack of adequate accommodation, transportation and other basic services in the mission area, which hindered a more rapid deployment of personnel; (c) the paucity of qualified personnel with experience in the requirements of a start-up mission; and (d) vacancies within the Division of Administration which

further contributed to delays in recruitment of personnel for the substantive areas of the mission.

11. The actual average vacancy rate experienced for local staff during the period under review was 40 per cent, as compared with budgetary provision which assumed a vacancy factor of 30 per cent.

12. For the reason explained in paragraph 9 above, none of the 13 National Officer posts were encumbered during the period.

13. The unutilized balance under this heading was partially offset by unbudgeted additional requirements totalling $215,700 for the cost of travel and services of a total of 78 consultants with expertise in the various areas of governance and public administration. Unbudgeted expenditures amounting to $526,000 were also incurred for daily paid labour in the mission area to provide logistical support in the initial establishment of the mission.

14. Compared with the provision of $700,000, actual expenditures incurred for travel of staff amounted to $964,900. The over-expenditure of $264,900 was attributable to the following: (a) participation of staff from UNTAET and the Department of Peacekeeping Operations at the donor conferences held in Tokyo in December 1999 (including representatives of the National Council of Timorese Resistance (CNRT)) and Lisbon in June 2000 ($129,100); (b) travel of eight staff members comprising the Selection and Assistance Team to Fiji, Ghana, Kenya, the Niger, Nigeria, Thailand and Zimbabwe for the identification of civilian police observers ($39,500); (c) the ad hoc financing in accordance with past practice of the cost of travel of some participants to the meeting of the Phase V Working Group on the reimbursement for contingent-owned equipment in January 2000 ($13,100); and (d) participation of UNTAET staff in training courses in various fields held at the United Nations Logistics Base at Brindisi ($45,300).

15. The over-expenditure under travel of staff was also attributable to higher requirements for travel by the Deputy Special Representatives and other senior UNTAET staff to countries in the region of $109,700, compared with the provision of $31,200 in the budget. In addition, requirements for the travel of staff from the Field Administration and Logistics Division of the Department of Peacekeeping Operations for planning, political consultations, administrative and technical assistance, procurement and logistical support amounted to $371,400, exceeding the budgeted estimate of $52,200.

**United Nations Volunteers**

*Apportionment: $7,373,800; expenditure: $6,212,000; variance: $1,161,800*

16. The unutilized balance of $1,161,800 under this heading was attributable to the initial delay in the deployment of United Nations Volunteers and the lower number consequently deployed during the period. Compared with the budgeted vacancy factor of 15 per cent, the actual average vacancy rate was 57 per cent. However, the actual expenditure recorded is comparably higher, owing to the fact that the unliquidated obligations include resources earmarked for Volunteers who were not deployed during the subject period.

## Operational requirements

*Apportionment: $154,853,800; expenditure: $125,699,500; variance: $29,154,300*

17. The unutilized balance of $29,154,300 under this heading resulted from reduced requirements under premises/accommodation ($2,458,500), transport operations ($430,400), air operations ($19,089,600), naval operations ($107,900), communications ($2,031,700), other equipment ($952,800), supplies and services ($306,900) and air and surface freight ($4,096,900), which were offset in part by additional requirements under infrastructure repairs ($320,400).

### Premises/accommodation

*Apportionment: $23,935,100; expenditure: $21,476,600; variance: $2,458,500*

18. The unspent balance of $2,458,500 under this heading was mainly attributable to the lower cost of requirements under construction/prefabricated buildings. As planned in the budget, a total of 720 Kobe houses (383 K3 and K6 units and 337 D6 units) were procured at an actual average cost of $4,270 per unit, as compared with the budgeted estimate of $10,083 per unit, including freight. In addition, savings were also realized as a result of the construction of only 3 (in the port of Dili) of the planned 10 customs and immigration offices, and the cancellation of site preparation for transit accommodation of 200 troops in Dili and Baucau and the helicopter landing zones in Dili and regional areas, which, upon review, were determined to be no longer required. Owing to the lower deployment of personnel in the Engineering Section, some planned projects were not implemented during the period, resulting in unspent amounts under alteration and renovation of premises. Savings were also realized under maintenance services because of reduced requirements for contractual services, owing to the fact that most services, such as routine and preventive maintenance services, and maintenance of air-conditioning, ventilation and heating systems, were provided by UNTAET personnel.

19. The unutilized balance under this heading was partially offset by additional requirements under rental of premises ($2,743,800), owing to delays in and erroneous recording under miscellaneous income of the recovery from UNTAET personnel of their share of the rental cost ($54.50 per person per day) of temporary accommodation provided in two vessels. Actual requirements for maintenance supplies amounting to $1,700,100 exceeded the provision of $150,000 by $1,550,100. Some $910,100 in supplies and materials requirements related to the alteration/renovation of premises, with the balance relating to requirements for normal maintenance supplies.

### Infrastructure repairs

*Apportionment: $2,990,000; expenditure: $3,310,400; variance:($320,400)*

20. The additional requirement of $320,400 under this heading was attributable to higher actual requirements for the repair of major supply routes and the requirement to upgrade the Suai airstrip. The latter had not been foreseen at the time of the preparation of the budget.

**Transport operations**

*Apportionment: $19,592,800; expenditure: $19,162,400; variance: $430,400*

21. The unutilized amount of $430,400 under this heading resulted from a combination of factors. On the one hand, savings resulted from the lower actual cost of some vehicles and reduced requirements for fuel and insurance, owing to the lower number of vehicles actually deployed during the period. The resource provision was based on the transfer of 535 vehicles from the United Nations Mission in East Timor (UNAMET) and the purchase of 653 vehicles, for a total vehicle establishment of 1,188 vehicles. During the period, 415 vehicles were transferred from UNAMET and 675 vehicles were procured, for a total establishment of 1,090 vehicles. However, by the end of the financial period, 216 vehicles that had been purchased had not yet been delivered, resulting in a reduced establishment of 874 vehicles.

22. On the other hand, additional requirements of $682,700 arose for the repair and maintenance of 259 vehicles transferred from UNAMET, which had sustained damage during the 1999 hostilities. Additional requirements of $85,100 for the rental of vehicles were also necessary to meet the mission's initial transport requirements, pending the receipt of new vehicles. Unspent balances for petrol, oil and lubricants were offset in part by the inclusion of charges for generator fuel.

**Air operations**

*Apportionment: $37,400,200; expenditure: $18,310,600; variance: $19,089,600*

23. The unutilized balance of $19,089,600 under this heading was attributable to reduced requirements under helicopter operations ($15,291,500), fixed-wing aircraft ($3,891,300) and air crew subsistence allowance ($14,200), which were offset in part by additional requirements under other air operations requirements ($107,400).

24. The unspent amount of $15,291,500 under helicopter operations resulted from the fact that five (three air-mobile commercial and two heavy commercial) of the 24 helicopters budgeted for were not deployed and also from the fact that the actual cost of hire/charter for 12 other helicopters (seven light military (four Alouette III and three Bell 206), four medium military (HUH-1H) and one medium commercial (Bell 212 AME)) was lower than originally estimated.

25. Savings under helicopter operations were also realized from actual hours flown (4,477) being lower than the original estimate (10,940), representing 41 per cent of the total planned hours. In addition, savings were realized from reduced requirements for aviation fuel, although these savings were offset in part by the inclusion of fuel requirements for fixed-wing aircraft. Unspent amounts under positioning/depositioning costs were attributable to the fact that these costs were not required for helicopters that were previously deployed in connection with INTERFET and already in the mission area.

26. However, the unutilized amounts were offset in part by the hire/charter of two military helicopters (one light (Lama) and one heavy (MI-26)) to meet operational requirements, for which no provision had been made in the budget. Additional requirements under painting/preparation were related to the deployment of new helicopters, while additional requirements for liability and war-risk insurance

resulted from actual requirements for military and commercial helicopters, at the rates of $13,500 and $4,000 per helicopter per year, respectively.

27. The unutilized balance of $3,891,300 under fixed-wing operations was attributable to the delayed deployment and lower actual hire/charter costs of three (one light and two medium) aircraft. While provision had been made for the deployment of these aircraft for the seven-month period from December 1999 to June 2000, one light aircraft was deployed only in April 2000 while the two medium aircraft were deployed in late February 2000. Against the provision of $2,700 per base hour and $900 per extra hour for one light aircraft, actual charter costs were $1,967 per base hour and $756 per extra hour. For two medium aircraft, actual hire costs were $2,053 per base hour for 50 base hours per aircraft per month, as compared with the budget estimate of $4,500 per base hour for 60 base hours and $1,100 per extra hour per aircraft per month.

28. Savings were realized from the lower actual hours flown (1,289), representing 39 per cent of the total of 3,325 planned hours. Savings under aviation fuel were attributable to the fact that, for the most part, fuel charges were included under helicopter operations.

29. Unutilized balances under air crew subsistence allowance resulted from lower requirements for overnight stays of air crew during official travel.

30. The unutilized balance under this heading was offset in part by additional requirements of $107,400 for landing fees and ground handling services at Darwin International Airport.

**Naval operations**

*Apportionment: $600,000; expenditure: $492,100; variance: $107,900*

31. The unutilized balance of $107,900 under this heading was primarily attributable to lower hire/charter cost of two vessels provided under letter-of-assist arrangements. Against a provision of $480,000 for these two vessels, actual requirements amounted to $129,000 for the period from February to 30 June 2000.

32. However, these savings were offset in part by higher actual requirements for the lease of two landing craft under commercial arrangements. Compared with the provision of $120,000 for a 30-day lease for these landing craft, actual expenditure totalled $292,800 for the rental of one vessel for 56 days and the other vessel on an "as and when required" basis. Additional costs of $70,300 were also incurred to meet the need to lease one barge for the three-month period from 1 March to 31 May 2000 for additional landing quay space at Dili port, requirements for which had not been foreseen during the preparation of the budget.

**Communications**

*Apportionment: $24,175,700; expenditure: $22,144,000; variance: $2,031,700*

33. The unspent balance of $2,031,700 under this heading resulted mainly from the fact that, with the exception of two interlinked trunking systems, no UHF equipment was purchased, in the light of the review of the UNTAET communications infrastructure, which concluded that an enhanced VHF network would be sufficient to meet the mission's operational requirements. Savings were

also realized from the exclusion of freight charges totalling $1,980,000 for the acquisition of communications equipment, which had been recorded under commercial freight and cartage. In addition, unutilized balances were realized under commercial communications resulting from reduced requirements for the Transitional Administration's share of the global transponder lease and lower International Maritime Satellite Organization (INMARSAT) charges.

34. However, the unutilized balance was offset in part by additional requirements for the purchase of more satellite and telephone equipment, some items of which were at higher unit costs than the budgeted estimates. Additional requirements of $791,400 for spare parts and supplies were also incurred in connection with the maintenance of the network infrastructure, services for which were provided through a letter-of-assist arrangement, as well as the erroneous recording of $247,100 in charges for the purchase of 150 computers.

**Other equipment**

*Apportionment: $16,699,000; expenditure: $15,746,200; variance: $952,800*

35. The unutilized balance of $952,800 realized under this heading resulted, on the one hand, from reduced requirements for office furniture, observation equipment, petrol tank plus metering equipment, water and septic tanks, medical and dental equipment and refrigeration equipment, which were largely attributable to the transfer of related equipment from UNAMET and the delay in the establishment of UNTAET clinics.

36. On the other hand, additional expenditures of $3,244,500 for data-processing equipment were incurred. As the mission became more fully established, it was determined that initial estimates for the period would not be sufficient to meet the requirements for the mission's information technology infrastructure. Consequently, against the budgeted provisions for the purchase of 1,500 desktop computers, 300 laptop computers and 40 servers, the actual expenditure related to the purchase of 2,400 desktop computers, 500 laptop computers and 75 servers. In addition, a wireless LAN system ($359,700), a back-up system ($102,600) and various software applications ($286,000) were procured, requirements for which had not been foreseen at the time of the preparation of the budget.

37. Moreover, additional requirements of $1,967,400 for generators arose. While the initial assessment of the mission's requirements called for the purchase of 75 new generators, actual purchases totalled 261 generators of various types of capacity, to meet revised operational requirements during the establishment of UNTAET premises throughout the mission area.

38. Additional requirements of $191,700 under miscellaneous equipment were also incurred owing to the inclusion of costs of refrigeration equipment under this budget line item.

**Supplies and services**

*Apportionment: $5,461,000; expenditure: $5,154,100; variance: $306,900*

39. The unutilized balance of $306,900 under this heading resulted from unspent amounts under miscellaneous services ($213,100) and miscellaneous supplies ($93,800).

40. The unspent balance of $213,100 under miscellaneous services was attributable to lower requirements for medical treatment and services resulting from the lower deployment of military and civilian personnel, as well as the absence of expenditure under audit services because no external audit was undertaken during the period under review.

41. However, these savings were offset in part by additional requirements for contractual services owing to higher actual costs of waste disposal services, laundry and grooming services for military personnel and other services. While actual requirements for engineering services were lower than estimated, savings were more than offset by unbudgeted requirements totalling $1,602,000 for the services of technical personnel under a systems contract for communications and information technology support. Owing to the delayed deployment of civilian personnel, the services of these contractual personnel were required for the establishment of the communications and data-processing infrastructure of the mission.

42. The unspent balance was also partially offset by unbudgeted requirements for security services for the office in Darwin ($79,200), licensing fees for the Sun, Progen and Reality systems ($15,800) and official hospitality in connection with the visits of the Presidents of Indonesia and Portugal. Higher requirements for bank charges and other miscellaneous services were also recorded.

43. The unspent balance of $93,800 under miscellaneous supplies was realized from reduced requirements for stationery and office supplies because of the lower deployment of military and civilian personnel as well as lower requirements for field defence stores owing to the fact that these supplies had been previously provided to troops under a self-sustainment basis during the handover from INTERFET to UNTAET. Savings under uniform items, flags and decals were attributable to the use of stock supplies from the Logistics Base at Brindisi. Reduced requirements for operational maps were attributable to the availability of maps previously provided to INTERFET personnel.

44. The unutilized balance was partially offset by additional requirements for medical supplies owing to higher requirements for vaccines, malaria prophylaxis and consumable medical supplies. Additional requirements for quartermaster and general stores were related to higher requirements for cooking gas, police and forensic supplies.

**Air and surface freight**

*Apportionment: $24,000,000; expenditure: $19,903,100; variance: $4,096,900*

45. An unspent balance of $4,096,900 was realized under this heading because requirements for the transport of contingent-owned equipment were lower than budgeted, owing to the previous deployment of some equipment for INTERFET. Savings were also realized from lower actual costs for the shipment of additional

contingent-owned equipment from Bangladesh, Chile, Jordan, Nepal, Pakistan and Portugal.

46. However, such savings were offset in part by additional requirements of $2,043,700 under commercial freight and cartage in connection with the shipment of supplies to the mission area and the inclusion of freight costs for communications and other equipment totalling $2,249,500.

## Other programmes

### Public information programmes

*Apportionment: $883,200; expenditure: $611,400; variance: $271,800*

47. The unspent balance of $271,800 under this heading was attributable to the delay in the deployment of civilian personnel, which in turn delayed the establishment of public information programmes. Consequently, provisions for equipment, materials and supplies and contractual services were not fully utilized.

## Staff assessment

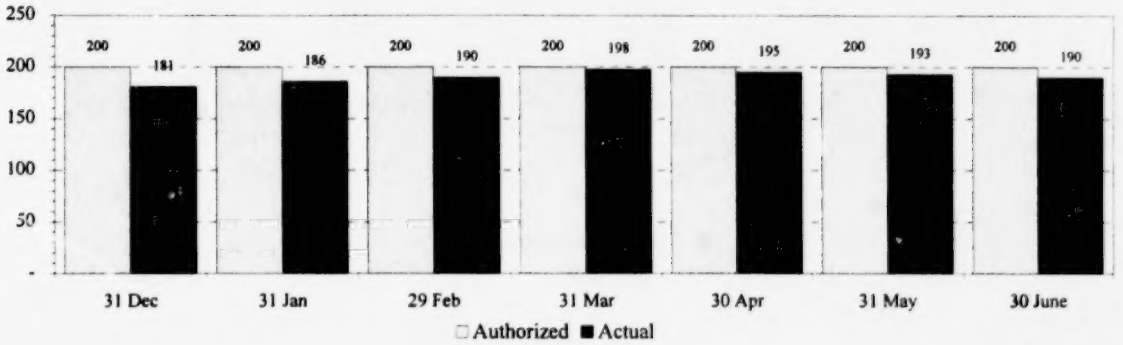
*Apportionment: $8,915,700; expenditure: $4,041,800; variance: $4,873,900*

48. The unutilized balance of $4,873,900 under this heading related to higher vacancy rates for international and local staff during the period under review.

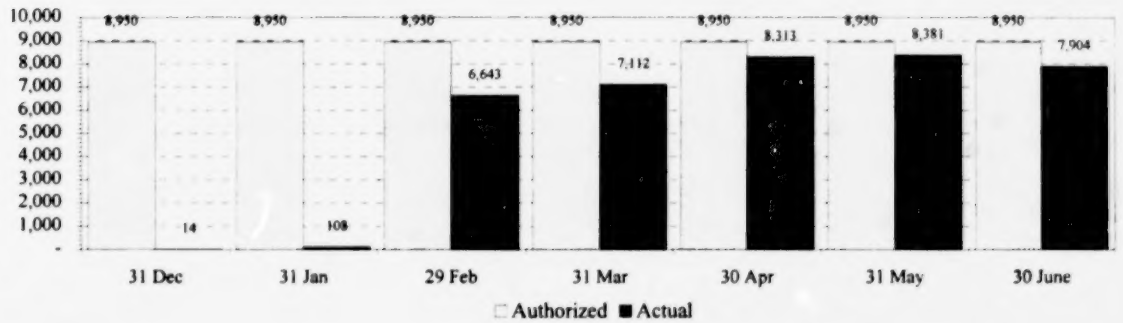
# Annex III

## Planned and actual deployment of military and civilian personnel for the period from 1 December 1999 to 30 June 2000

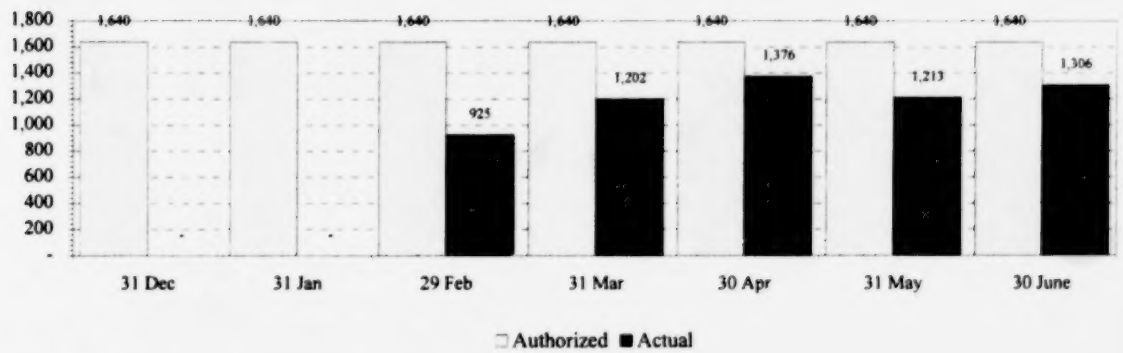
### 1. Military observers



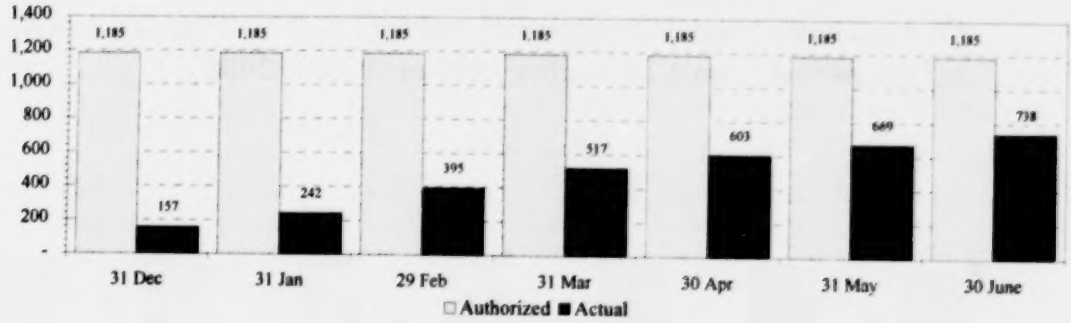

### 2. Military contingents



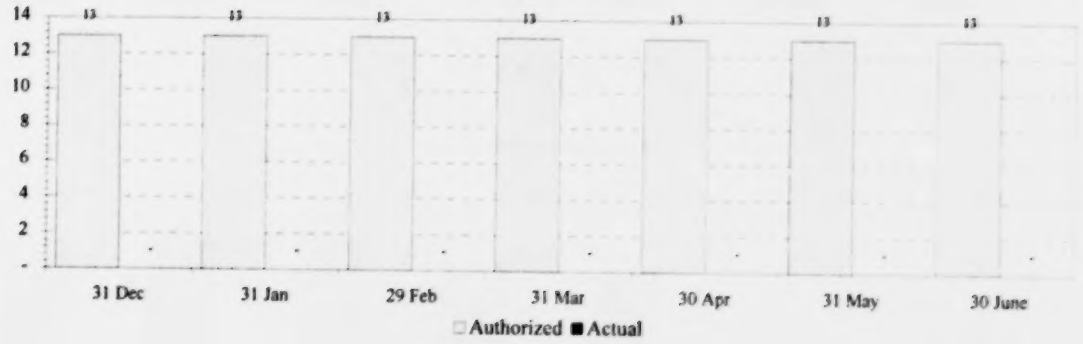

### 3. Civilian police



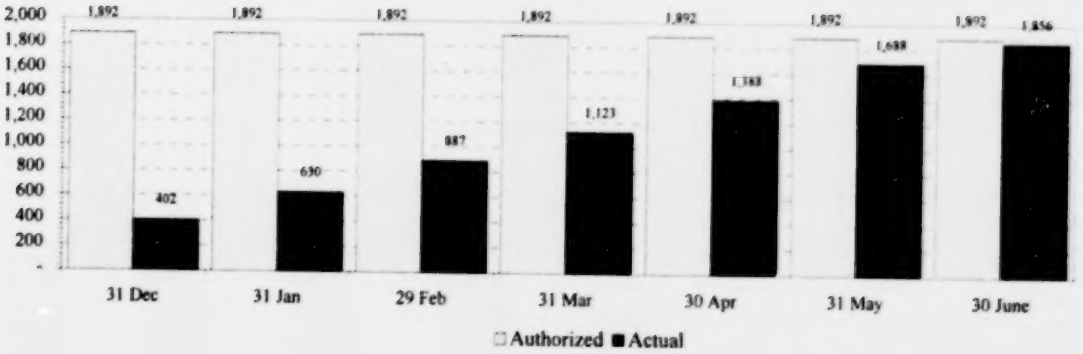
**4. International staff**



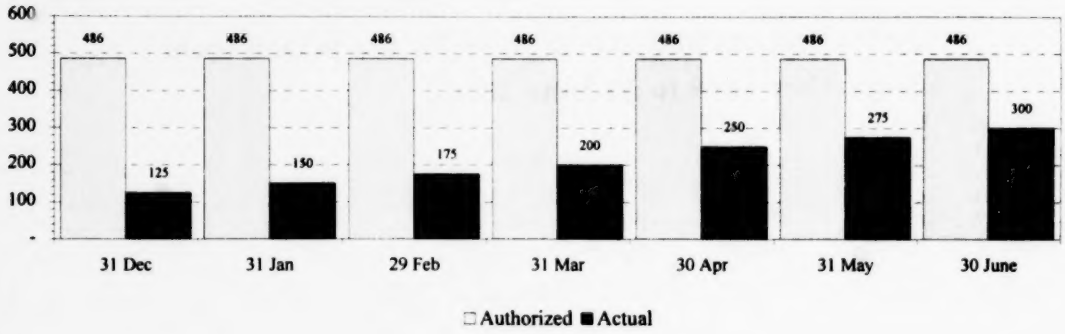

**5. National officers**




**6. Local staff**

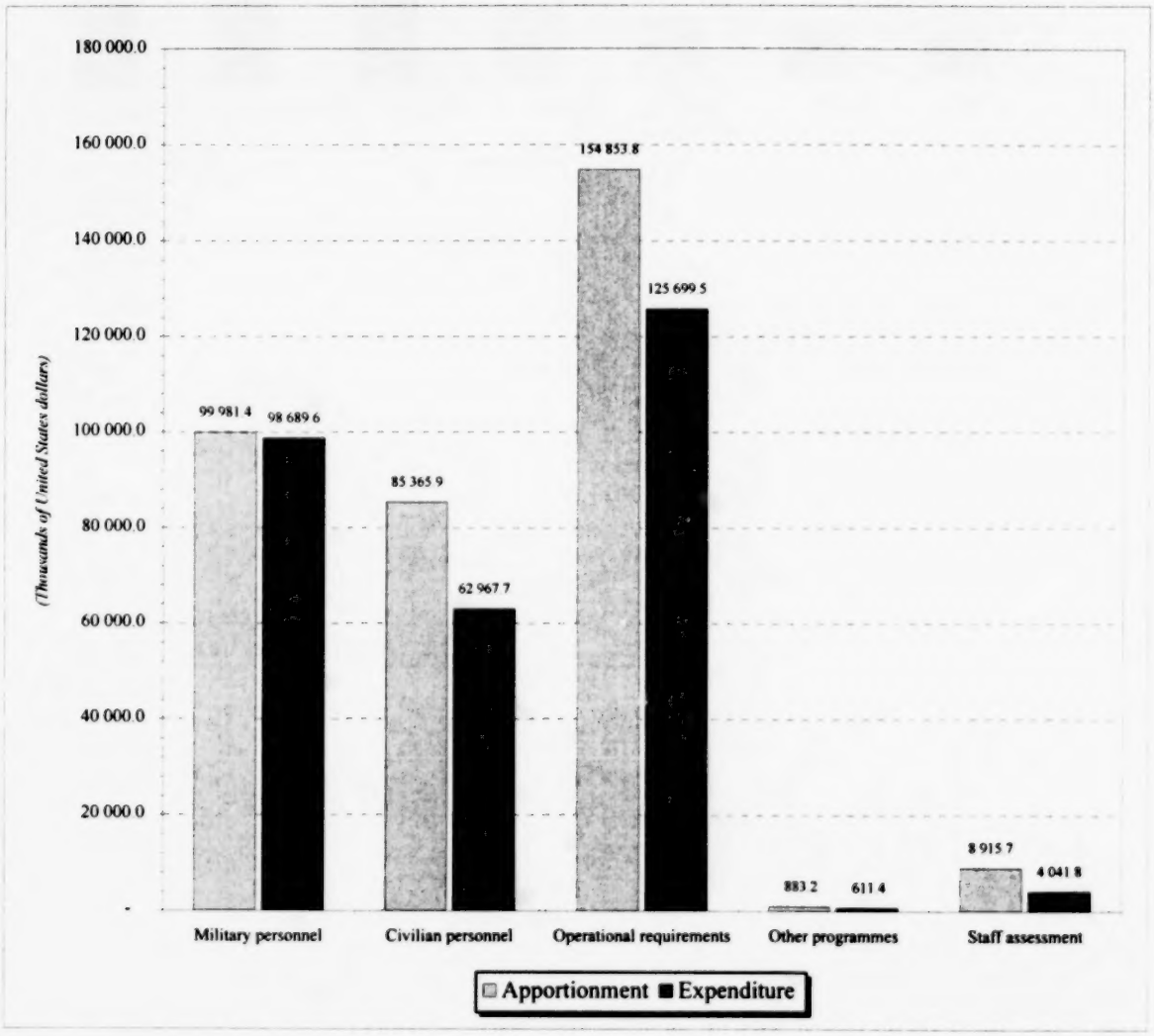


## 7. United Nations Volunteers



# Annex IV

## Apportionment and expenditure for the period from 1 December 1999 to 30 June 2000



United Nations A/55/926–S/2001/438

General Assembly
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Distr.: General
3 May 2001

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**General Assembly**
**Fifty-fifth session**
Agenda items 40 and 164
**The situation in the Middle East**
**Measures to eliminate international terrorism**

**Security Council**
**Fifty-fifth year**

## Identical letters dated 2 May 2001 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and to the President of the Security Council

The Permanent Representative of the Syrian Arab Republic to the United Nations presents his compliments to the Secretary-General of the United Nations and, upon instructions from his Government, has the honour to present to him the reply of the Government of the Syrian Arab Republic to the two letters addressed to him by the Permanent Representative of Israel dated 16 April 2001 (S/2001/367) and 18 April 2001 (A/55/908-S/2001/385) (see annex).

The Permanent Representative of the Syrian Arab Republic to the United Nations would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda items 40 and 164, and of the Security Council.

01-35920 (E) 040501 040501

## Annex to the identical letters dated 2 May 2001 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and to the President of the Security Council

[Original: Arabic]

During the past few days, Israel has pursued its serious acts of aggression against the forces of the Syrian Arab Republic and against Lebanon, as well as its inhumane practice of repression against the Palestinian people. In order to cover for its crimes, which greatly exceed what, in the language of the United Nations, is described as genocide, the Permanent Representative of Israel in his letter dated 16 April 2001 addressed to the President of the Security Council (S/2001/367) and in his letter dated 19 April 2001 addressed to the Secretary-General (A/55/908-S/2001/385) deliberately misled international public opinion by distorting the facts, turning the killer and aggressor into a victim and portraying the victim as acting outside international law and in violation of United Nations resolutions.

In view of the importance of explaining the truth and the need to reply to the Israeli allegations, contained in the two letters, which exhibit grave disdain for the purposes and principles of the Charter of the United Nations and the resolutions hitherto adopted by various United Nations bodies since the end of the 1940s, the Government of the Syrian Arab Republic would like to affirm the following facts:

1. The true reasons for the worsening situation in the Middle East region are essentially attributable to the continuing Israeli policies of occupation, expansion and aggression. In this regard, Israel has persistently defied the will of the international community as embodied in hundreds of resolutions adopted by the Security Council and General Assembly and officially treated it with open contempt. Israel still refuses to recognize the legitimate rights of the Palestinian people, who are living the bitter experience of repression, poverty and expulsion and whom it is killing without any intentional restriction on its vast military strength and its possession of the most lethal and destructive weapons, which it has no hesitation in deploying in its constant aggression against this defenceless people. Moreover, its aggression against Lebanon and its people did not end with its occupation of the capital, Beirut, and the perpetration of the Qana massacre which claimed as its victims hundreds of children and women who had sought a refuge of safety in the United Nations base there. On the contrary, it continued to the point of driving tens of thousands of Lebanese from their homes and using the scorched-earth policy to set fire repeatedly to their land and homes. The Lebanese National Resistance has forced Israel's humiliating defeat and withdrawal from most Lebanese territories and is still struggling, as in the case of all peoples suffering from foreign occupation, with the aim of liberating the remaining Lebanese territories in accordance with the Charter and resolutions of the United Nations in order to rescue the prisoners abducted from their homes by Israel in flagrant defiance of international legitimacy and international law. What international legitimacy is Israel talking about when it has continued its occupation of most of southern Lebanon for over 23 years and when the Shab'a farmlands are still under occupation and numerous Lebanese remain prisoners in Israeli jails? Furthermore, Israel's occupation of the Syrian Golan has hitherto continued since 1967, despite the international community's demand for it to withdraw from these territories in accordance with Security Council

resolutions 242 (1967) and 338 (1973). In violation of international humanitarian law, in particular the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War, Israel continues to force Israeli nationality on the inhabitants of the Golan. The Israeli occupation authorities also bury toxic and radioactive waste in the territories of the occupied Syrian Golan, thus contaminating the soil and water resources and exposing the lives and livelihoods of the village inhabitants of the occupied Syrian Golan to the risks of constant pollution and destruction of the environment. The number of displaced persons forced by Israel to leave their villages and farms in the Golan now amounts to over half a million individuals, who are still looking forward to the day when the occupation ends and they are able to enjoy the human rights enjoyed by the other peoples of the world. Is there anything in any of these practices to indicate Israel's respect for international legitimacy and the resolutions of the United Nations? Without exception, the entire international community is aware that Israel has become a symbol of contempt for international law and international legitimacy. It is truly ironic to see Israel demanding that others should respect United Nations resolutions and international legitimacy when it is the one which, for half a century, has defied that legitimacy and refused to implement those resolutions.

2. In many of its letters, Israel resorts to propagating its usual lies. What elicits ridicule is that it attempts to predicate these lies on the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, as contained in General Assembly resolution 2625 (XXV) of 24 October 1970. The fact of the matter is that Israeli acts and practices are condemned in every word, line and page of this Declaration. Does this Declaration permit the occupation of others' territory by force, aggression against States Parties, the killing and expulsion of their peoples and the burning of their land, the use of internationally prohibited weapons and the description of the struggle of peoples fighting for the restoration of their rights and land as terrorism? The selective use and distortion of the resolutions and declarations of the United Nations by the representatives of Israel exemplifies nothing but inadmissible excess, a shameful attitude and a perverse interpretation of everything called for by such resolutions. The Declaration contained in General Assembly resolution 2625 (XXV) considers it "essential that all States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations". Israel also disregarded the provision contained in the same Declaration that "the territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter". This Declaration further emphasizes that "no territorial acquisition resulting from the threat or use of force shall be recognized as legal". As for Article 51 of the Charter, it provides that "nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations". What is worth pointing out is that the Palestinian and Lebanese resistances carry out their activities in defence of their occupied territories and in response to the assaults and crimes carried out by Israel.

3. The Syrian Arab Republic has condemned terrorism in all its forms and manifestations and called for the convening of an international conference to define terrorism and distinguish it from the just struggle of peoples for liberation. The Syrian Arab Republic would like to reaffirm its solidarity with the peoples suffering

from the scourge of terrorism and its afflictions. However, on the basis of its belief in the purposes and principles of the Charter of the United Nations and in the United Nations resolutions which accord peoples the right to liberate their land from foreign occupation, it regards foreign occupation and the repression, killing and genocide practised and still being practised by Israel against the Palestinian people, the Lebanese people and Syrian citizens in the occupied Golan as embodying terrorism. Israel has killed scores of leaders of the Palestinian people in numerous countries of the world and its aircraft have shelled innocent civilians in Beirut and the villages of southern Lebanon. Israel has shelled and hijacked civilian aircraft in international airspace and seized boats and ships in international waters. Israel has not hesitated to use terrorism in all of its forms and manifestations, including State terrorism, anywhere in the world. Israel justifies its terrorism, its threat to peace and security in the Middle East region and its killing of innocents on the pretext of its security at a time when the most urgent need, clearly, is for the security of the Arabs in the occupied territories. It is Israel which brought terrorism to the Middle East region and it is Israel which practised it. Israel should know that occupation and the usurpation of rights bring it no security. The names of many leaders of Israel have appeared on the posters of those wanted for trial for having perpetrated terrorist crimes. The killing of thousands in the massacres of Deir Yassin, Qibya, Qana and Sabra and Shatila and of the United Nations envoy, Count Folke Bernadotte, and his assistant in Jerusalem are but a few of the many examples of Israel's terrorist practices. The Arab Summit Conference recently convened in Amman adopted a proposal to seek the trial of these leaders by an international tribunal for war criminals.

4. The Lebanese Government has replied in scores of letters lodged with the Security Council and the General Assembly to the Israeli allegations concerning the relationship between the Syrian Arab Republic and Lebanon. In an attempt to mislead international public opinion, Israel ignores the fact that it was the Syrian Arab Republic which extinguished the flame of the Lebanese civil war that Israel helped to ignite and subsequently feed for over 20 years. Israel is mistaken if it imagines that its lies about the Syrian role in Lebanon will fool anyone who followed and learned of the enormous Syrian sacrifices made to end that war, which Israel hoped would result in the partition of Lebanon and destroy the unity and shared coexistence of the Lebanese people, and even lead to its Balkanization. Israel is fully aware that the Syrian Arab Republic and Lebanon have a pact of brotherhood and cooperation which governs the relationship between the two countries. Consequently, our country supports Lebanon by providing everything that it needs to defend its territory and achieve its security and stability. Israel takes its efforts to mislead too far in endeavouring to talk about its commitment to international legitimacy and the Blue Line at a time when the United Nations has affirmed that Israel has seriously violated that Line on over 400 occasions during the past few months.

5. The Syrian Arab Republic opened the way to the Middle East peace process in 1990 and made the achievement of peace one of its strategic choices in accordance with Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace. Israel, however, in accordance with a calculated strategy, turned the peace process into a process intended to force the Arabs to capitulate and enable it to obtain through that process what it failed to obtain during the war. The Israeli leaderships, including the head of the present Government, declare on flimsy

pretexts justified only by the desire for expansion and settlement that they will not withdraw from many parts of the West Bank and Gaza Strip or from the occupied Syrian Golan to the line of 4 June 1976. Israel also continues to occupy the Lebanese Shab'a farmlands and to take Lebanese prisoners, using those same flimsy pretexts as its excuse. The attack recently launched by Israeli aircraft on a Syrian military site in Lebanon is another crime on Israel's record, which is full of acts of aggression, killing and terrorism. The countries of the world have condemned this aggression and hold Israel responsible for its serious consequences. On the basis of its strict understanding of international law, the Syrian Arab Republic has also affirmed that it reserves its legitimate right to defend itself against any aggression. What is the peace which Israel talks about after constantly occupying Arab territories for over 24 years, and how long does it want the Arabs to voice no demand for their land and usurped rights? Is Israel intending to enact a new law on aggression and killing to replace international law, international humanitarian law and the Charter of the United Nations?

6. The facts in the Middle East are plain to see for anyone who wishes to acquaint themselves with them. If Israel thinks that pursuing the fatal course of "keep on lying and you might be believed" will lead to the result which it desires, it is seriously mistaken. Israel must abandon its racist and aggressive policy against the Arabs because there is no future for this policy, which has proved futile. The only available option for the achievement of a just and comprehensive peace in the Middle East is the implementation of Security Council resolutions 242 (1967) and 338 (1973), as well as Israel's full withdrawal from all occupied Arab territories, including the West Bank, Gaza Strip, Jerusalem, the Syrian Golan to the line of 4 June 1967 and the Shab'a farmlands, and the restoration of the usurped national rights to the Palestinian people. Thus will a just peace be achieved. Such is the proper way to achieve security and dignity for all.

United Nations A/55/926/Corr.1–S/2001/438/Corr.1

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Security Council

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31 May 2001

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Fifty-fifth session
Agenda items 40 and 164

Security Council
Fifty-fifth year

**The situation in the Middle East**

**Measures to eliminate international terrorism**

# Identical letters dated 2 May 2001 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and to the President of the Security Council

**Corrigendum**

**Paragraph 6, third to last sentence**

*For* Shab'a farmlands *read* Lebanese Shab'a farmlands.

01-39314 (E) 010601

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Security Council

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**General Assembly**
**Fifty-fifth session**
Agenda item 40
**The situation in the Middle East**

**Security Council**
**Fifty-sixth year**

## Letter dated 3 May 2001 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

The Permanent Representative of the Syrian Arab Republic to the United Nations presents his compliments to the Secretary-General of the United Nations, and upon instructions from his Government has the honour to convey to him a statement on the recent dangerous Israeli aggression carried out inside the territories of the Syrian Arab Republic (see annex).

The Permanent Representative of the Syrian Arab Republic to the United Nations would be grateful if the present letter and its annex were circulated as a document of the General Assembly, under agenda item 40, and of the Security Council.

(*Signed*) Michail **Wehbe**

01-36100 (E) 070501 070501

## Annex to the letter dated 3 May 2001 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

[Original: Arabic]

3 May 2001

The Permanent Representative of the Syrian Arab Republic to the United Nations presents his compliments to the Secretary-General and, on instructions from his Government, has the honour to bring to the attention of the Secretary-General the grievous action perpetrated by Israel inside the territory of the Syrian Arab Republic when, at 2030 hours on 14 April 2001, its military patrols directed their searchlights and fired several rounds at a Syrian police position in the sector of a United Nations position.

The Syrian Arab Republic holds Israel fully responsible for such provocative practices, which represent fresh Israeli aggression against Syria, another escalation of the tense situation in the region and a continuation of its flagrant defiance of all the relevant resolutions of the Security Council and the General Assembly. The Syrian Arab Republic demands that these acts of provocation be condemned and that they be ended.

The Permanent Representative of the Syrian Arab Republic to the United Nations takes this opportunity to convey to the Secretary-General the assurances of his highest consideration.

United Nations A/55/928

General Assembly

Distr.: General
5 May 2001

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**Fifty-fifth session**
Agenda items 116 and 123

**Review of the efficiency of the administrative and financial functioning of the United Nations**

**Human resources management**

# Proposed Regulations governing the status, basic rights and duties of officials other than Secretariat officials and experts on mission and regulations governing the status, basic rights and duties of the Secretary-General

## Report of the Secretary-General

1. In paragraph 1 of its resolution 55/221 of 23 December 2000, the General Assembly requested the Secretary-General:

> "to undertake consultations on the proposed regulations with the officials referred to in paragraph 1 (a) of his report on proposed regulations governing the status, basic rights and duties of officials other than Secretariat officials and experts on mission,[1] in particular those who are elected by the General Assembly and its subsidiary organs, and to report thereon to the Assembly at its resumed fifty-fifth session, including on the following elements:
>
> "(a) The compatibility of the proposed regulations with the statutes governing the officials referred to above;
>
> "(b) The possible impact, if any, of the proposed regulations on the independence of those expert bodies;
>
> "(c) The accountability mechanisms envisaged to enforce the proposed regulations".

In paragraph 2 of the same resolution, the General Assembly also requested the Secretary-General, "in the context of the report mentioned in paragraph 1 above, to submit additional information on whether the proposed regulations ensure the impartiality, neutrality, objectivity and accountability of the personnel referred to in paragraph 1 (b) of the report." The present report has been prepared by the Secretary-General in response to the above requests of the General Assembly.

2. As requested by the General Assembly in paragraph 1 of resolution 55/221, the Secretary-General consulted with the following five officials other than Secretariat officials: Chairman of the Advisory Committee on Administrative and Budgetary Questions (ACABQ); Chairman of the International Civil Service Commission (ICSC); Chairman of the International Law Commission (ILC); Chairman of the Joint Inspection Unit (JIU); Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC). Those officials had already been consulted during the preparation of the Secretary-General's previous report (A/54/695).[2]

01-36149 (E) 140501

3. With respect to the request of the General Assembly in paragraph 2 of the resolution, the Secretary-General notes that the Assembly did not expressly request consultations with officials referred to in paragraph 1 (b) of the previous report. However, the Secretary-General has consulted with the chairperson of the group of special rapporteurs of the Commission on Human Rights since the group had provided comments during the course of preparation of the earlier report.

## Consultations with officials other than Secretariat officials

4. The comments received from the five officials are quoted, in relevant part, below, followed by the Secretary-General's observations, if any, with respect to the comments.

5. **ACABQ.** The Chairman of the Advisory Committee indicated that he "will not make comments on these proposals".

6. **ICSC.** The Chairman of the International Civil Service Commission indicated that his comments on the proposed Regulations had already been submitted in his letter of 10 February 2000 to the Secretary-General, and the Chairman reaffirmed them. With respect to the three specific elements set out in subparagraphs (a) to (c) of paragraph 1 of resolution 55/221; the ICSC Chairman stated, in relevant part:

> "... In the case of the International Civil Service Commission, its statute in paragraph 1 of article 1 affirms that the Commission is established by the General Assembly, ... 'for the regulation and coordination of the conditions of service of the United Nations common system'. Paragraph 2 of the same article reads: 'The Commission shall perform its functions in respect of the United Nations and of those specialized agencies and other international organizations which participate in the United Nations common system'; and according to paragraph 1 of article 6, 'the Commission shall be responsible as a body to the General Assembly. Its members shall perform their functions in full independence and with impartiality; they shall not seek or receive instructions from any Government, or from any secretariat or staff association of an organization in the United Nations common system.'
>
> "As stated in the report of the Secretary-General, the proposed Regulations are modelled on article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules. Thus they reflect provisions applicable to the United Nations staff and their relationship with the United Nations only. This is demonstrated by the wording of the draft Regulations relating to the officials in question, providing that they perform 'functions' or 'duties' for the United Nations or that they regulate their conduct 'with the interests of the United Nations only in view' ..., etc. Therefore, such provisions cannot summarily apply to ICSC officials, who, unlike other officials or experts mentioned in paragraph 4 of the report, do not perform their functions in respect of the United Nations only, but also of other agencies and organizations of the United Nations common system. That is why the Chairman and the Vice-Chairman of ICSC (who are proposed to be subject to the Regulations) are designated not by the Secretary-General, but by the General Assembly, which in this case acts as a trustee of the whole United Nations common system (in consultation with, inter alia, other organizations) and to which ICSC officials are accountable.
>
> "It is evident from the examples cited earlier that a number of proposed Regulations which refer to the United Nations only are contrary to the letter and spirit of the statute insofar as their application to the Chairman and the Vice-Chairman of ICSC is concerned. Both of them in their capacities as members and officials of the Commission are obliged to perform their functions in an independent and impartial manner, since the appearance even of giving one organization of the common system preference would have far-reaching implications for the coherence of the system and the morale of the international civil service.
>
> "Although the commentary to the individual provisions of the proposed Regulations is helpful in explaining those provisions (for instance, regulation 3), nevertheless it is not part of the Regulations to be adopted by the General Assembly, nor does it have the legal force of a rule (A/54/695, para. 9). It is clear, therefore, that

the text of the proposed Regulations themselves will be decisive and legally binding.

"In view of the above considerations, there seems to be a need for such changes in the proposed Regulations that would make them fully consonant with the statute of ICSC and its character as an independent and impartial body. The present wording is far from being satisfactory in this respect."

7. The Secretary-General notes that the above-quoted comments essentially raise the same issues as those set out in the Chairman's letter of 10 February 2000. The Secretary-General maintains the views as previously expressed in a letter of 10 March 2000,[3] as follows:

"Having reviewed the matter, we do not believe that the language in the Secretary-General's report (A/54/695) and the draft regulations set out therein are incompatible with the special status of ICSC. Nonetheless, given the concerns that you have raised and in order to avoid any confusion on this matter, we believe it is desirable to clarify the matter to the Fifth Committee.

"Before responding to comments on specific aspects of the proposed Regulations, it is appropriate to address a general comment to the special status of ICSC. Under the statute of ICSC, the Commission is a body established by the General Assembly (see article 1.1 of the statute). Article 1.2 of the statute of ICSC provides that ICSC 'perform[s] its functions in respect of the United Nations and of those specialized agencies and other international organizations which participate in the United Nations common system'. The ICSC members, including the Chairman and the Vice-Chairman, are appointed and carry out functions entrusted to ICSC by the General Assembly (see article 2 of the statute). With respect to your specific comments, we have the following observations.

"(a) A/54/695, *paragraphs 4 and 7; annex II, commentary 1 to regulation 1 (a), regulation 2 (d), 2 (g), etc.*

"(b) *Draft regulations 1 (b) and 2 (c)*

"In paragraph 4 of the report, the 'Chairman and Deputy Chairman' of ICSC are listed as examples of 'the presiding officers of United Nations organs performing functions for the Organization on a substantially full-time basis'. Paragraph 7 provides, inter alia, that officials other than Secretariat officials and experts on mission ('officials and experts') 'perform duties for the Organization'. Commentary 1 to regulation 1 (a) provides, inter alia, that '[t]he United Nations has persons who perform services for it on a substantially full-time basis but who are not staff members.' Draft regulation 2 (d) provides, inter alia, that officials and experts 'shall ensure that [their personal] views and convictions do not adversely affect their official duties or the interests of the United Nations.' Draft regulation 2 (g) provides that officials and experts 'may not accept any honour, decoration, favours, gift or remuneration from any Government or non-governmental source for activities carried out while in the service of the United Nations.' The declaration of office set out in draft regulation 1 (b), and draft regulation 2 (c) provides, inter alia, that officials and experts shall 'discharge their functions and regulate [their] conduct with the interests of the United Nations only in view'.

"As indicated above, ICSC is a subsidiary organ of the General Assembly and its members are appointed and carry out functions entrusted to ICSC by the Assembly. Therefore, while the functions that ICSC members carry out pursuant to the Commission's mandate under its statute concern both the United Nations and the specialized agencies, we do not believe that the language indicating that officials and experts perform 'functions', 'duties' or 'services' for the United Nations would be inconsistent with the ICSC statute, since the General Assembly adopted the statute and appointed the ICSC members, although in consultation with the other organizations in the common system (see article 4.1 of the statute). Moreover, we do not believe that the language indicating that officials and experts must regulate their conduct with 'the interests of the United Nations only in view' is inconsistent with the ICSC statute. The main thrust of the declaration set out in draft regulation 1 (b) is that officials and experts must not seek or accept instructions from external sources. The fact that only the United Nations, and not all the

specialized agencies that are members of the common system, is specifically mentioned in the declaration does not affect the purpose of the declaration. As far as draft regulation 2 (c) is concerned, its second sentence makes it clear that conduct 'with the interests of the Organization only in view' means '[l]oyalty to the aims, principles and purposes of the United Nations as set forth in the Charter'. This 'fundamental obligation', in our view, is applicable to members of ICSC, all of whom are appointed by the General Assembly.

"(c) *Draft regulation 1 (e)*

"Draft regulation 1 (e) provides, inter alia, that officials and experts shall immediately report the matter regarding the application of the privileges and immunities 'to the Secretary-General, who alone may decide whether such privileges and immunities exist and whether they shall be waived'.

"I note that under the General Convention [Convention on the Privileges and Immunities of the United Nations], it is the Secretary-General alone who has the right to make a decision concerning the waiver of the privileges and immunities accorded to officials and experts (see section 20 of the General Convention). Moreover, article 8.3 of the ICSC statute indicates that for the purposes of the General Convention, the Chairman and the Vice-Chairman of ICSC 'shall have the status of officials of the United Nations'. Therefore, the language in draft regulation 1 (e) is correct.

"(d) *Draft regulation 2 (d)*

"Draft regulation 2 (d) provides, inter alia, that officials and experts 'shall ensure that [their personal] views and convictions do not adversely affect their official duties or the interests of the United Nations.'

"Please see our observation to issues (a) and (b) above.

"(e) *Draft regulation 3*

"Draft regulation 3 provides that officials and experts 'are accountable to the United Nations for the proper discharge of their functions.'

"Since, under the ICSC statute, its members are accountable to the General Assembly and since it is the General Assembly that is promulgating these Regulations, we do not believe that the language in draft regulation 3 is inconsistent with the ICSC statute. In this respect, as noted by you, the commentary to draft regulation 3 makes it clear that the accountability of officials appointed by the General Assembly is a matter for the Assembly.

"In the light of the above, we do not believe that the draft Regulations set out in A/54/695 require revision. However, given the concerns that you have raised, we believe that it is desirable to clarify to the Fifth Committee that *the proposed Regulations, as applied to you and your colleagues in ICSC, and to other officials and experts who perform functions in respect of the common system in accordance with the statute of ICSC or other mandates approved by the General Assembly, should be construed in the light of those functions and mandates and that references in the Regulations and commentary to the United Nations or the United Nations Organization in the context of these Regulations and the commentary should be applied with that in mind.*" (Emphasis added.)

8. In this respect, the Secretary-General would be prepared to include the clarification, as underlined in the last paragraph of the above quotation, in the appropriate section of the Commentary.

9. **ILC.** The Chairman of the International Law Commission stated, in relevant part:

"I considered the draft Regulations from the viewpoint of their possible application to members of the International Law Commission. I did not see anything which would be contrary to the status and practice of the Commission members except perhaps paragraph 2 (g) of draft regulation 2. The paragraph is too broadly worded (in particular the use of the words 'while in the service of the United Nations') and might result in excessive stringency. If the language in the paragraph is taken in its plain meaning, Commission members may not accept any honour, decoration, favours, gift or remuneration from any Government or non-governmental sources for activities carried out during the entire

period of their appointment with the Commission. Commission members are not expected to perform services for the United Nations on a full-time basis .... The majority of them are employed by national Governments and educational institutions and they are paid for those services.

"Paragraph [2] (g), if strictly applied, not only is inconsistent with the practice of the Commission, but also is unreasonable as far as Commission members are concerned. Probably the intention of the provision in the paragraph is that officials in question cannot be paid by Governments or non-governmental sources for what they do in connection with their functions for the United Nations. Then the last line of subparagraph (g) should be modified so as to read '... for activities carried out in connection with the service of the United Nations'."

10. In reply to the above comment, the Secretary-General notes, as indicated in the commentary to proposed regulation 2 (g), that in order to ensure that officials and experts on mission are perceived as impartial, it was deemed appropriate to prohibit, without any exceptions, the acceptance of any honour, decoration, favour, gift or remuneration from any Government or non-governmental source for activities carried out by them while in the service of the United Nations. In this respect, the Secretary-General notes the comments of the Chairman of ILC and wishes to emphasize that the prohibition in the draft Regulation only relates to honour, decoration, favour, gift or remuneration received in connection with the work performed by officials and experts on mission while in the service of the United Nations. Accordingly, officials and experts on mission may accept any honour, decoration, favour, gift or remuneration from any Government or non-governmental source for activities carried out while not in the service of the United Nations. In order to reflect the above concern of the Chairman of ILC, the Secretary-General proposes to revise draft regulation 2 (g) as follows (revision is in bold): "... for activities carried out ***during the course of the official functions*** while in the service of the United Nations."

11. **JIU.** The Chairman of the Joint Inspection Unit provided comments similar to those provided by the Chairman of ICSC. The comments in relevant parts read as follows:

"In general terms, the Unit wishes to point out that the mandate and the functions of the Inspectors, as well as their rights and duties, are determined by General Assembly resolution 31/192 of 22 December 1976, by which the Assembly approved the statute of the Unit. The statute has been subsequently accepted (with or without reservations) by 11 specialized agencies and the International Atomic Energy Agency. Since the adoption of resolution 31/192, the statute has never been changed, nor has there been any proposal aiming at a revision. Thus, but indirectly also by referring to the statute in resolution 55/221, paragraph 1 (a), the General Assembly has expressed its ongoing support for the statute.

"The Unit holds the view that the proposed Regulations could only be of relevance if they were to address an issue which is not covered by the statute and where otherwise a legal lacuna would exist. In such a case, the proposed Regulations would only fulfil a complementary function. In any event, each article of the proposed Regulations would need to be interpreted and applied in such a manner that the letter and spirit of the JIU statute would not be altered or affected. It is essential that the independence of the Inspectors and their powers of investigation and all other elements constituting the purpose of the Unit be always safeguarded.

"With specific reference to **draft regulation 1 (b)**, it should be borne in mind that the Joint Inspection Unit performs its functions in respect of and is responsible not only to the General Assembly but similarly, as provided in article 1.2 of its statute, to the competent legislative organs of those specialized agencies and other international organizations within the United Nations system which accept its statute. Consequently, the written declaration to be subscribed by Inspectors should be amended to reflect the need for them to act with the interests of the pertinent organizations (plural) only in view, and the last phrase should be so worded as to recognize the possibility for any of the participating organizations to provide requests and/or suggestions to the Unit on matters

affecting the interest of those organizations based on article 9.1 of the JIU statute.

"With regard to **draft regulation 1 (e)**, it is understood that the role of the Secretary-General with regard to the possible waiver of privileges and immunities accorded to officials derives from the provisions of the Convention on the Privileges and Immunities of the United Nations. It is further noted from the commentary submitted regarding this draft regulation that, '[i]n deciding whether such privileges and immunities exist and whether they should be waived, the Secretary-General **may** (emphasis added) take into account the views of the legislative body that appointed the officials ...' In this context, considering the spirit of article 4.4 of the JIU statute and taking into account the difficulties that would be inherent in consulting the General Assembly should *such* a case of waiver of privileges and immunities ever arise, it is felt that the Secretary-General should undertake to consult the Unit in such eventualities.

"As regards **draft regulation 2** on the conduct of officials, the Unit naturally accepts the need for its members to uphold the high standards which the Charter, in Article 101, requires of Secretariat officials. It is at the same time conscious of its role as an external oversight body responsible only to the competent legislative bodies of the United Nations and the other participating organizations, requiring total independence from the secretariats of those organizations. The Unit consequently has reservations with regard to several of the provisions contained in draft regulation 2, which could entail that the Secretary-General exercise a certain 'oversight' function over the conduct of Inspectors.

In the view of the Unit, the following provisions of its statute deal adequately with the issues at hand:

(a) Article 4.4, on the termination of an Inspector's term of office;

(b) Article 6.3, on the need to be bound by professional secrecy as regards all confidential information they receive;

(c) Article 7, on the need to discharge their duties in full independence and in the sole interest of the participating organizations;

(d) Article 15, prohibiting acceptance of other employment during the term of office or appointment as an official or consultant of any participating organization while in office or within three years of ceasing to be a member of the Unit.

"With regard to the question of accountability, dealt with under **draft regulation 3**, it is evident that Inspectors, having been appointed by the General Assembly, are accountable to the Assembly for the proper discharge of their functions. Article 4.4 of the JIU statute provides the procedural prerequisites for a specific case of removal from office of an Inspector."

12. The Secretary-General has the following observations to the Chairman's comments.

13. With respect to the comment that the proposed Regulations could only be of relevance if they were to address an issue not covered by the JIU statute and that, in such a case, they would only fulfil a "complementary function", the Secretary-General agrees that the proposed Regulations would be complementary to the JIU statute. However, the Secretary-General believes that the proposed Regulations will provide a useful set of complementary provisions to the JIU statute since they address issues not expressly addressed by the JIU statute, e.g., provisions concerning acceptance of gifts and per diems (proposed regulations 2 (g) and (m)), conflict of interest and financial disclosure (proposed regulations 2 (h) and (i)) and obligation to comply with local laws and honour private legal obligations (proposed regulation 2 (j)). Therefore, the Secretary-General believes that the proposed Regulations are compatible with the JIU statute. However, the Secretary-General notes that the issue as to whether the proposed Regulations should apply to the JIU Inspectors and the ICSC Chairman, Vice-Chairman and members is a matter to be decided by the General Assembly.

14. With respect to the comment relating to draft regulation 1 (b) concerning the scope of functions of the JIU Inspectors under the JIU statute, the Secretary-General notes that the comment is essentially the same as that raised by the Chairman of ICSC concerning the

scope of functions of the ICSC Chairman, Vice-Chairman and members under the ICSC statute. Accordingly, the Secretary-General wishes to reiterate his position, quoted in paragraph 7 above, on this issue. Moreover, the Secretary-General believes that the concerns raised by JIU would be addressed by the proposal contained in paragraph 8 above, to include additional clarifying language in the appropriate section of the commentary. With respect to the specific proposed revisions to the language of draft regulation 1 (b), the Secretary-General considers that the same clarifying language to be added to the Commentary would address the concerns expressed by the Chairman of JIU without having to change the language of the draft regulation.

15. With respect to the comment concerning draft regulation 1 (e) on the waiver of the privileges and immunities accorded to the JIU Inspectors, the Secretary-General would be prepared to take into account the view of JIU, should there be an issue concerning the waiver of the privileges and immunities of the Inspectors, since JIU would be in a position to provide relevant information which would assist the Secretary-General in making a decision on such a matter.

16. With respect to the reservations that several provisions in proposed regulation 2 "could entail that the Secretary-General exercise a certain 'oversight' function over the conduct of Inspectors" and that the provisions in the JIU statute deal adequately with the issues at hand, the Secretary-General notes that provisions in the proposed regulation 2 do not provide for any oversight functions by the Secretary-General over officials and experts on mission. As indicated in paragraph 13 above, the Secretary-General believes that provisions in proposed regulation 2, and the proposed Regulations as a whole, would serve useful complementary functions to the JIU statute concerning the conduct expected of the JIU Inspectors.

17. With respect to the comment concerning proposed regulation 3 on accountability, the Secretary-General notes that the commentary to proposed regulation 3 makes it clear that "[f]or officials appointed by the General Assembly, that accountability would be a matter for the Assembly."

18. **UNMOVIC.** The Executive Chairman of UNMOVIC provided the following comment, which reads in relevant part:

> "In the case of UNMOVIC, the Regulations would appear to apply (a) to the Executive Chairman and (b) to personnel who serve UNMOVIC as experts on mission. I believe that their enactment will bring the basic obligations of experts on mission into line with those of Secretariat officials and thus will provide us with a sound legal and administrative base for retaining personnel on special service agreements.
>
> "On a point of detail, it is not clear whether the declaration referred to in draft regulation 1 (b) relates only to 'officials'. However, the commentary on that article indicates that it is also required of 'experts on mission'."

19. The Secretary-General will revise draft regulation 1 (b) to add the words "experts on mission" at the beginning thereof.

## Comments from experts on mission

20. Some of the officials referred to above also addressed the issues concerning the application of the proposed Regulations to experts on mission serving in the respective five bodies. In addition to those comments, the Secretary-General is expecting to receive comments from the group of special rapporteurs of the Commission on Human Rights. The group had provided comments during the preparation of the earlier report of the Secretary-General (A/54/695) and the special rapporteurs are also referred to in paragraph 5 of that report. The current chairperson of the group has responded to the Secretary-General and indicated that the group will not meet before the next scheduled annual meeting, 18 to 22 June 2001, and therefore comments on the proposed Regulations could not be provided until after that time. In the meantime, the chairperson of the group has requested clarifications to facilitate the review of the draft Regulations during the annual meeting, including the issues concerning the unique status of "experts on mission" who are special rapporteurs in the field of human rights and their independence and a possible need to exempt them from the proposed Regulations so as not to jeopardize their independence. The Secretariat is providing the requested clarifications. In view of the above, the comments of the group of special rapporteurs could not be included in the present report,

and the Secretary-General will issue an addendum to the present report when the comments are provided.

## Conclusions

21. Based on a review of the comments received from the officials and from experts on mission, the Secretary-General would recommend consideration by the General Assembly of the Regulations proposed in his previous report (A/54/695), with the following adjustments:

(a) To include the following clarification as new paragraph 3 of the commentary to proposed regulation 1 (a):

> "The Regulations and the Commentary, as applied to the Chairman and the Vice-Chairman of the International Civil Service Commission, the Inspectors of the Joint Inspection Unit, and to other officials and experts who perform functions in respect of the common system, in accordance with the statute of the International Civil Service Commission or that of the Joint Inspection Unit, respectively, or other mandates approved by the General Assembly, should be construed in the light of those functions and mandates. References to the United Nations or the United Nations Organization in the context of these Regulations and the Commentary should be applied, bearing in mind that the functions of those officials and experts are related to the common system."

(b) To amend the first sentence of proposed regulation 1 (b) as follows (added text is in bold):

> "Officials ***and experts on mission*** shall make the following written declaration witnessed by the Secretary-General or an authorized representative:"

(c) To amend proposed regulation 2 (g) as follows (added text is in bold):

> "Officials and experts on mission may not accept any honour, decoration, favour, gift or remuneration from any Government or non-governmental source for activities carried out ***during the course of their official functions*** while in the service of the United Nations."

(d) To amend the commentary to proposed regulation 2 (g) as follows (added text is in bold):

> "To ensure that officials and experts are perceived as impartial, draft regulation 2 (g) prohibits the acceptance of any honour, decoration, favour, gift or remuneration from any Government or non-governmental source for activities carried out ***during the course of their official functions*** while in the service of the United Nations."

22. The proposed Regulations and the Commentary as previously issued in document A/54/695 are set out in annexes I and II to the present report, with the proposed adjustments shown in bold.

*Notes*

[1] A/54/695 and Corr.1.

[2] In the preparation of the earlier report (A/54/695), the Executive Director of the United Nations Special Commission (UNSCOM), the predecessor of UNMOVIC, was consulted.

[3] Letter dated 10 March 2000 from the Legal Counsel replying to a letter dated 10 February 2000 from the Chairman of ICSC.

# Annex I

## Draft Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials and Experts on Mission*

### Draft regulation 1
### Status

(a) The responsibilities of officials other than Secretariat officials (hereinafter referred to as "officials") and of experts on mission are not national but exclusively international.

(b) Officials ***and experts on mission*** shall make the following written declaration witnessed by the Secretary-General or an authorized representative:

> "I solemnly declare and promise to exercise in all loyalty, discretion and conscience the functions entrusted to me by the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other source external to the Organization."

(c) The Secretary-General shall seek to ensure that the rights and duties of officials and experts on mission, as set out in the Convention on the Privileges and Immunities of the United Nations,* are respected. The Secretary-General shall also seek to ensure, having regard to the circumstances, that all necessary safety and security arrangements are made for officials and experts on mission carrying out the responsibilities entrusted to them.

(d) Experts on mission will receive a copy of the present Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials and Experts on Mission (hereinafter referred to as "Regulations") when they receive documentation from the United Nations relating to their mission and will be required to acknowledge receipt of the Regulations. Officials will receive a copy of the Regulations at an appropriate opportunity.

(e) The privileges and immunities enjoyed by the United Nations by virtue of Article 105 of its Charter are conferred in the interests of the Organization. These privileges and immunities furnish no excuse to those who are covered by them to fail to observe the laws and police regulations of the State in which they are located nor do they furnish an excuse for non-performance of their private obligations. In any case where an issue arises regarding the application of these privileges and immunities, an official or an expert on mission shall immediately report the matter to the Secretary-General, who alone may decide whether such privileges and immunities exist and whether they shall be waived, in accordance with the relevant instruments.

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* Previously issued as A/54/695, annex I.

## Draft regulation 2
## Conduct

(a) Officials and experts on mission shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status.

(b) In the performance of their duties, officials and experts on mission shall neither seek nor accept instructions from any Government or from any other source external to the Organization.

(c) Officials and experts on mission shall discharge their functions and regulate their conduct with the interests of the Organization only in view. Loyalty to the aims, principles and purposes of the United Nations, as set forth in its Charter, is a fundamental obligation of all individuals covered by the present Regulations.

(d) While the personal views and convictions of officials and experts on mission, including their political and religious convictions, remain inviolable, they shall ensure that those views and convictions do not adversely affect their official duties or the interests of the United Nations. Officials and experts on mission shall conduct themselves at all times in a manner befitting their status. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the United Nations. They shall avoid any action and, in particular, any kind of public pronouncement that may adversely reflect on their status, or on the integrity, independence and impartiality that are required by that status.

(e) Officials and experts on mission shall not use their office or knowledge gained from their official functions for private gain, financial or otherwise, or for the gain of any third party, including family, friends and those they favour. Nor shall they use their office for personal reasons to prejudice the positions of those they do not favour.

(f) Officials and experts on mission shall exercise the utmost discretion in regard to all matters of official business. Officials and experts on mission shall not communicate to any Government, entity, person or any other source, any information known to them by reason of their official position that they know or ought to have known has not been made public, except as appropriate in the normal course of their duties or by authorization of the Secretary-General. If they are not appointed by the Secretary-General, such authorization shall be conferred by the body that appointed them. These obligations do not cease upon the cessation of their official functions.

(g) Officials and experts on mission may not accept any honour, decoration, favour, gift or remuneration from any Government or non-governmental source for activities carried out ***during the course of their official functions*** while in the service of the United Nations.

(h) Officials and experts on mission shall not be actively associated with the management of, or hold a financial interest in, any profit-making, business or other concern, if it were possible for them or the profit-making, business or other concern to benefit from such association or financial interest by reason of their position with the United Nations. Officials or experts on mission who are in such a situation shall either dispose of that financial interest or formally excuse themselves from

participating with regard to any involvement in that matter that has given rise to the conflict-of-interest situation.

(i) Officials and experts on mission shall file financial disclosure statements if requested to do so by the Secretary-General. The Secretary-General shall prescribe the format and information to be provided in such statements and shall establish procedures for filing them. The financial disclosure statements will remain confidential and will be used, as prescribed by the Secretary-General, only in making determinations pursuant to regulation 2 (h).

(j) Officials and experts on mission must comply with local laws and honour their private legal obligations, including, but not limited to, the obligation to honour orders of competent courts.

(k) Any form of discrimination or harassment, including sexual or gender harassment, as well as physical or verbal abuse, at the workplace or in connection with work, is prohibited.

(l) Officials and experts on mission shall not intentionally misrepresent their functions, official title or the nature of their duties to Member States or to any entities or persons external to the United Nations.

(m) Officials and experts on mission participating, as part of their official functions, in activities organized by a Government, intergovernmental organization, non-governmental organization or other private source, may receive from the Government, intergovernmental organization, non-governmental organization or private source, accommodation and travel and subsistence allowance generally in line with those payable by the United Nations. In such cases, the travel and subsistence allowance that may otherwise be payable by the United Nations shall be reduced in the same manner as in respect of staff members of the Organization.

## Draft regulation 3
## Accountability

Officials and experts on mission are accountable to the United Nations for the proper discharge of their functions.

*Notes*

[a] United Nations, *Treaty Series*, vol. 1, No. 4, p. 15.

# Annex II

## Draft Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials and Experts on Mission, together with explanatory Commentary*

### Draft regulation 1
### Status

**Regulation 1 (a)**

The responsibilities of officials other than Secretariat officials (hereinafter referred to as "officials") and of experts on mission are not national but exclusively international.

**Commentary**

1. The United Nations has persons who perform services for it on a substantially full-time basis but who are not staff members. These persons have consistently been referred to by the General Assembly as "officials other than Secretariat officials". In addition, pursuant to article V, section 17, of the Convention on the Privileges and Immunities of the United Nations[a] of 13 February 1946 (hereinafter called the "General Convention"), the Secretary-General has specified and submitted to the Assembly proposals that a number of persons who occupy certain positions within the Organization be accorded the privileges and immunities under articles V and VII of the General Convention, even though they are not staff members. These persons have also been referred to as officials other than Secretariat officials.

2. The United Nations also has experts who perform assignments for the Organization. Article VI of the General Convention provides that experts (other than officials coming within the scope of article V) shall be accorded privileges and immunities necessary to enable them to carry out their missions for the United Nations and specifies a number of those privileges and immunities. These experts have been referred to as "experts on mission".

***3. The Regulations and the Commentary, as applied to the Chairman and the Vice-Chairman of the International Civil Service Commission, the Inspectors of the Joint Inspection Unit, and to other officials and experts who perform functions in respect of the common system, in accordance with the statute of the International Civil Service Commission or that of the Joint Inspection Unit, respectively, or other mandates approved by the General Assembly, should be construed in the light of those functions and mandates. References to the United Nations or the United Nations Organization in the context of these Regulations and the Commentary should be applied, bearing in mind that the functions of those officials and experts are related to the common system.***

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* Previously issued as A/54/695, annex II.

4. Draft regulation 1 (a) is similar to the second sentence of staff regulation 1.1 (a).[b]

* * *

**Regulation 1 (b)**

Officials ***and experts on mission*** shall make the following written declaration witnessed by the Secretary-General or an authorized representative:

> "I solemnly declare and promise to exercise in all loyalty, discretion and conscience the functions entrusted to me by the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other source external to the Organization."

**Commentary**

Draft regulation 1 (b), which is similar to staff regulation 1.1 (b), contains the declaration of office of officials and experts on mission.

* * *

**Regulation 1 (c)**

The Secretary-General shall seek to ensure that the rights and duties of officials and experts on mission, as set out in the Convention on the Privileges and Immunities of the United Nations, are respected. The Secretary-General shall also seek to ensure, having regard to the circumstances, that all necessary safety and security arrangements are made for officials and experts on mission carrying out the responsibilities entrusted to them.

**Commentary**

1. The first sentence of draft regulation 1 (c), which is similar to staff regulation 1.1 (c), codifies an implicit duty that falls upon the Secretary-General, namely, to seek to ensure that the rights and duties of officials and experts on mission as set out in the General Convention are respected (as such rights are granted by Governments, the Secretary-General can only "seek to ensure" that they are respected). The protection accorded to officials and experts on mission under this provision relates to their official acts and thus does not lapse upon cessation of their service for the Organization, or, if they are part-time, on days when they are not in service.

2. The second sentence of draft regulation 1 (c), which reproduces the essence of the second sentence of staff regulation 1.2 (c), sets forth the responsibility of the Secretary-General to seek to ensure the safety of officials and experts on mission.

* * *

**Regulation 1 (d)**

Experts on mission will receive a copy of the present Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials and Experts on Mission (hereinafter referred to as "Regulations") when they receive

documentation from the United Nations relating to their mission and will be required to acknowledge receipt of the Regulations. Officials will receive a copy of the Regulations at an appropriate opportunity.

**Commentary**

1. Experts on mission retained by the Secretariat sign a special services agreement or receive a letter or other documentation indicating the scope of their mission for the Organization. The special services agreement or other documentation will incorporate the Regulations by reference, and experts will be required to acknowledge that they will abide by the Regulations.

2. At times, legislative bodies entrust tasks to individuals to perform assignments for those bodies (for example, members and special rapporteurs of the International Law Commission and other bodies). Those individuals have the status of experts on mission. Although their appointments may have been concluded without the signature of any document of appointment, their attention will be drawn to the Regulations when they receive documentation from the Secretariat relating to their functions and/or their assignment. That documentation will include a copy of the Regulations explaining that they were adopted by the General Assembly and thus constitute part of the conditions of those individuals' assignment for the United Nations.

3. Officials will receive a copy of the Regulations at an appropriate time, for example, when they make the declaration of office (see draft regulation 1 (b)).

* * *

**Regulation 1 (e)**

The privileges and immunities enjoyed by the United Nations by virtue of Article 105 of its Charter are conferred in the interests of the Organization. These privileges and immunities furnish no excuse to those who are covered by them to fail to observe the laws and police regulations of the State in which they are located nor do they furnish an excuse for non-performance of their private obligations. In any case where an issue arises regarding the application of these privileges and immunities, an official or an expert on mission shall immediately report the matter to the Secretary-General, who alone may decide whether such privileges and immunities exist and whether they shall be waived, in accordance with the relevant instruments.

**Commentary**

1. Draft regulation 1 (e), which deals with privileges and immunities, is similar to staff regulation 1.1 (f) (see paras. 32, 49, 54 and 55 of the Report on Standards of Conduct in the International Civil Service 1954,[c] which was prepared by the International Civil Service Advisory Board (hereinafter called the "ICSAB report")).

2. Draft regulation 2 (j) specifies the obligations on those who are covered by such privileges and immunities to honour their private legal obligations.

3. Pursuant to article V, section 20, and article VI, section 23, of the General Convention, it is only the Secretary-General who has the right to waive the privileges and immunities accorded to officials and experts on mission. In deciding

whether such privileges and immunities exist and whether they should be waived, the Secretary-General may take into account the views of the legislative body that appointed the officials or experts on mission.

• • •

## Draft regulation 2
## Conduct

**Regulation 2 (a)**

Officials and experts on mission shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status.

**Commentary**

1. Draft regulation 2 (a), which describes basic values expected of officials and experts on mission, is similar to staff regulation 1.2 (b).

2. The first sentence of draft regulation 2 (a) is derived from Article 101, paragraph 3, of the Charter of the United Nations by virtue of affirmatively placing upon officials and experts on mission the obligation to uphold the highest standards of efficiency, competence and integrity. As pointed out in paragraph 4 of the ICSAB report, the concept of integrity includes "honesty, truthfulness, fidelity, probity and freedom from corrupting influences".

• • •

**Regulation 2 (b)**

In the performance of their duties, officials and experts on mission shall neither seek nor accept instructions from any Government or from any other source external to the Organization.

**Commentary**

Draft regulation 2 (b), which is similar to staff regulation 1.2 (d), flows from the first sentence of Article 100, paragraph 1, of the Charter of the United Nations (see the ICSAB report, paras. 7, 18 and 31).

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**Regulation 2 (c)**

Officials and experts on mission shall discharge their functions and regulate their conduct with the interests of the Organization only in view. Loyalty to the aims, principles and purposes of the United Nations, as set forth in its Charter, is a fundamental obligation of all individuals covered by the present Regulations.

**Commentary**

1. Draft regulation 2 (c) in substance contains the same obligations as are contained in staff regulation 1.2 (e) applicable to staff. The first sentence of

regulation 2 (c) sets forth an idea that is contained in staff regulation 1.1 (a) and in staff regulation 1.1 (b), which contains the written declaration of office, that is to say, the idea that staff must regulate their conduct with the interests of the Organization only in view (see the ICSAB report, para. 4).

2. The second sentence of draft regulation 2 (c) focuses on the concept of loyalty to the aims, principles and purposes of the Organization as set forth in the Charter of the United Nations (which is alluded to in the declaration contained in draft regulation 1 (b)) (ibid., paras. 5, 6 and 21).

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**Regulation 2 (d)**

While the personal views and convictions of officials and experts on mission, including their political and religious convictions, remain inviolable, they shall ensure that those views and convictions do not adversely affect their official duties or the interests of the United Nations. Officials and experts on mission shall conduct themselves at all times in a manner befitting their status. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the United Nations. They shall avoid any action and, in particular, any kind of public pronouncement that may adversely reflect on their status, or on the integrity, independence and impartiality that are required by that status.

**Commentary**

1. Draft regulation 2 (d) is similar to staff regulation 1.2 (f). The core idea of conduct befitting an international civil servant was considered by the International Civil Service Advisory Board in 1954. The Advisory Board remarked that "high standards of conduct are best attained by a universal understanding among staff members of the relation between their conduct and the success of the international organizations, and by the development of a strong tradition among men and women who are jealous of the reputation of the organizations that they serve and are anxious to safeguard it". (See the ICSAB report, para. 2; also para. 4 on the integrity expected of international civil servants; paras. 5, 6 and 21 on loyalty; paras. 7 and 18 on independence; and paras. 8 and 48 on impartiality.)

2. In respect of the last sentence of the draft regulation, it would be for the Organization to characterize an action or pronouncement as adversely reflecting on the status of an official or an expert on mission.

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**Regulation 2 (e)**

Officials and experts on mission shall not use their office or knowledge gained from their official functions for private gain, financial or otherwise, or for the gain of any third party, including family, friends and those they favour. Nor shall they use their office for personal reasons to prejudice the positions of those they do not favour.

**Commentary**

1. Draft regulation 2 (e), which is similar to staff regulation 1.2 (g), codifies principles set out in the ICSAB report (see paras. 17, 28 and 42). The use of one's office for personal gain is clearly unacceptable. This includes not only conducting a business from a United Nations office but also such activities as using United Nations facilities for a business, using the United Nations name, logo or address for a business and approving a contract for a family business without disclosure. Draft regulation 2 (e) also reflects the principle set out in staff regulation 1.2 (g) that a staff member shall not use information that has not been made public for the private advantage of the staff member or of any third party.

2. The draft regulation, for clarity, makes specific reference to prohibiting an official or expert on mission from so favouring a third party, including family or friends, as to enable that third party to profit from the position of the official or expert on mission or from the exercise of his or her functions. The term "friends" is broad and seeks to encompass not only friends as normally understood, but also relationships that are not recognized by the United Nations as creating a dependency.

3. The draft regulation also prohibits the use of office or knowledge gained from that office for personal reasons to prejudice or harm third parties.

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**Regulation 2 (f)**

Officials and experts on mission shall exercise the utmost discretion in regard to all matters of official business. Officials and experts on mission shall not communicate to any Government, entity, person or any other source, any information known to them by reason of their official position that they know or ought to have known has not been made public, except as appropriate in the normal course of their duties or by authorization of the Secretary-General. If they are not appointed by the Secretary-General, such authorization shall be conferred by the body that appointed them. These obligations do not cease upon the cessation of their official functions.

**Commentary**

1. Draft regulation 2 (f), which is similar to staff regulation 1.2 (i), reflects the principle that official information may not be used for private purposes, except with authorization. This flows from the idea that officials and experts on mission are obligated to regulate their conduct with the interests of the Organization only in view (see the ICSAB report, para. 4) and also from the requirements of draft regulation 2 (e). It follows that permission must be obtained for disclosure to third parties of information that has not been made public, unless such disclosure is specifically authorized or is in the normal course of duties of the official or expert on mission. Authorization of the Secretary-General is not required for officials and experts on mission who have not been appointed by the Secretary-General. Those officials and experts on mission would require the authorization of the body that had appointed them if the communication of the information was not a normal part of their duties.

2. The last sentence of the draft regulation provides that the obligations contained in the provision do not cease upon cessation of official functions. It may be difficult to enforce such a provision, but, at the very least, if a former official or expert on mission ignored the obligations contained in this draft regulation, the official file of the former official or expert on mission could be noted so as to prevent his or her re-engagement.

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**Regulation 2 (g)**

Officials and experts on mission may not accept any honour, decoration, favour, gift or remuneration from any Government or non-governmental source for activities carried out ***during the course of their official functions*** while in the service of the United Nations.

**Commentary**

To ensure that officials and experts are perceived as impartial, draft regulation 2 (g) prohibits the acceptance of any honour, decoration, favour, gift or remuneration from any Government or non-governmental source for activities carried out ***during the course of their official functions*** while in the service of the United Nations.

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**Regulation 2 (h)**

Officials and experts on mission shall not be actively associated with the management of, or hold a financial interest in, any profit-making, business or other concern, if it were possible for them or the profit-making, business or other concern to benefit from such association or financial interest by reason of their position with the United Nations. Officials or experts on mission who are in such a situation shall either dispose of that financial interest or formally excuse themselves from participating with regard to any involvement in that matter that has given rise to the conflict-of-interest situation.

**Commentary**

1. The first sentence of draft regulation 2 (h) is similar to staff regulation 1.2 (m). The purpose of the provision is to put officials and experts on mission on notice that they cannot be actively associated with a profit-making, business or other concern, if either the concern or the official or expert on mission is to profit therefrom by reason of the association with the Organization. It will be for the Secretary-General or the appointing authority to judge whether a particular act has given rise to a conflict-of-interest situation.

2. The second sentence of draft regulation 2 (h) is similar to the second part of staff rule 101.2 (n) which deals with the consequences of a staff member's having a possible conflict-of-interest situation. In such cases, the official or expert on mission shall dispose of the interests or, if practicable, shall excuse himself or herself from dealing with the matter on behalf of the Organization.

3. Generally, experts on mission are appointed on a part-time basis, and it is therefore likely that they are engaged in other activities, including employment, when they are not performing services for the Organization. While there is no question that experts on mission may be so engaged, they must ensure that those activities are not incompatible with their status or functions as experts on mission.

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**Regulation 2 (i)**

Officials and experts on mission shall file financial disclosure statements if requested to do so by the Secretary-General. The Secretary-General shall prescribe the format and information to be provided in such statements and shall establish procedures for filing them. The financial disclosure statements will remain confidential and will be used, as prescribed by the Secretary-General, only in making determinations pursuant to regulation 2 (h).

**Commentary**

Draft regulation 2 (i) is similar to, but more general than, staff regulation 1.2 (n), which requires all staff at the assistant secretary-general level and above to submit financial disclosure statements upon appointment and at intervals as prescribed by the Secretary-General, in respect of themselves and their dependent children, including any substantial transfers of assets and property to spouses and dependent children from the staff member or from any other source that might constitute a conflict of interest. This requirement is designed to minimize the risk of a perception of officials and experts on mission as using their position for personal gain. The draft regulation enables the Secretary-General to require officials and experts on mission to file financial disclosure statements, which will remain confidential and will be used only in dealing with conflict-of-interest situations, for example, in assessing whether an official was in such a situation.

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**Regulation 2 (j)**

Officials and experts on mission must comply with local laws and honour their private legal obligations, including, but not limited to, the obligation to honour orders of competent courts.

**Commentary**

1. Draft regulation 2 (j), which is similar to staff rule 101.2 (c), is really an amplification of draft regulation 1 (e) which provides that the privileges and immunities of the Organization afford no excuse for non-performance of private obligations (see the ICSAB report, paras. 32, 54 and 55).

2. Draft regulation 2 (j) makes clear that private obligations must be honoured. It is the responsibility of those subject to the present Regulations, if they have a court order against them that they contest, to avail themselves of all means existing under the applicable national law to appeal the order and/or to secure relief from the obligation to comply with the order pending its appeal.

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**Regulation 2 (k)**

Any form of discrimination or harassment, including sexual or gender harassment, as well as physical or verbal abuse, at the workplace or in connection with work, is prohibited.

**Commentary**

Draft regulation 2 (k), which is similar to staff rule 101.2 (d), reproduces the core of Secretary-General's bulletin ST/SGB/253 of 29 October 1992, which established United Nations policy on equal treatment of men and women in the Secretariat and also prohibited all forms of discrimination or harassment.

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**Regulation 2 (l)**

Officials and experts on mission shall not intentionally misrepresent their functions, official title or the nature of their duties to Member States or to any entities or persons external to the United Nations.

**Commentary**

Draft regulation 2 (l) is similar to staff rule 101.2 (f) which prohibits the intentional misrepresentation of an official title or duties to outside parties, for example, by placing misleading titles on business cards. The use of the word "intentional" makes clear that this does not refer to careless or accidental acts.

* * *

**Regulation 2 (m)**

Officials and experts on mission participating, as part of their official functions, in activities organized by a Government, intergovernmental organization, non-governmental organization or other private source, may receive from the Government, intergovernmental organization, non-governmental organization or private source, accommodation and travel and subsistence allowance generally in line with those payable by the United Nations. In such cases, the travel and subsistence allowance that may otherwise be payable by the United Nations shall be reduced in the same manner as in respect of staff members of the Organization.

**Commentary**

1. Draft regulation 2 (m), which is similar to staff rule 101.2 (s), deals with the issue of participation at various official functions. Officials and experts on mission, who as part of their official functions participate in activities organized by a Government, intergovernmental organization, non-governmental organization or other private source, may receive from it accommodation and travel and subsistence allowance generally in line with those payable by the United Nations, and in such cases the allowances that may otherwise be payable by the United Nations shall be reduced in the same amount as in respect of staff members of the Organization. Such provisions are presently found in staff rule 107.15 (a).

2. It should be noted that accommodation and travel and subsistence allowance may be accepted only if doing so would be appropriate to the status of officials and

experts on mission and to the integrity, independence and impartiality that are required by that status. There may therefore be situations in which it would not be appropriate to accept those allowances from a Government, intergovernmental organization, non-governmental organization or other private source.

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## Draft regulation 3
## Accountability

Officials and experts on mission are accountable to the United Nations for the proper discharge of their functions.

### Commentary

Draft regulation 3, which is similar to staff regulation 1.3 (a), makes clear that officials and experts on mission are accountable for their actions. The method of accountability may vary. For officials appointed by the General Assembly, that accountability would be a matter for the Assembly. For experts on mission, it would be the Secretary-General or the appointing authority who could terminate an assignment or otherwise admonish the expert.

*Notes*

[a] United Nations, Treaty Series, vol. I, No. 4, p. 15.

[b] Hereinafter, staff regulations and rules refer to the provisions contained in article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules which came into effect on 1 January 1999, pursuant to General Assembly resolution 52/252.

[c] A/52/488 and Add.1, annex.

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**General Assembly**
**Fifty-fifth session**
Agenda item 40
**The situation in the Middle East**

**Security Council**
**Fifty-sixth year**

## Letter dated 7 May 2001 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

With reference to the letter dated 18 April 2001 from the Permanent Representative of Israel to the United Nations addressed to you (A/55/908-S/2001/385), I should like to inform you that my Government rejects the fallacies and fabrications contained therein in their entirety and that it would like to state the facts set forth hereunder.

1. The Secretariat confirmed Israel's withdrawal to the Blue Line but did not confirm its withdrawal to the internationally recognized boundary, that is to say withdrawal "from all Lebanese territory" as demanded by the Security Council in its resolution 425 (1978).

2. Lebanon recorded its reservations with respect to the Blue Line in an official manner, as reflected in the report of the Secretary-General of 16 June 2000 (S/2000/590). Israel is violating the Blue Line and Lebanon's sovereignty — on land, at sea and in the air — on a daily basis, and it is continuing to hold Lebanese detainees in its prisons without trial in defiance of the provisions of the fourth Geneva Convention of 1949 and the additional protocols. The mines that Israel left behind it are also bringing death and injury to Lebanese citizens every day and are hampering movement, and Israel is still refusing to hand over most of the minefield maps it has in its possession.

3. Resistance is a right recognized by the United Nations and by its covenants and resolutions, and Israel itself acknowledges that the Shab`a farmlands are territory that it is occupying by force.

4. The Syrian forces stationed in Lebanon are there at the request and with the agreement of the Lebanese Government, and their presence is a necessary, legitimate and temporary one that is not Israel's concern.

5. If Israel actually wants the restoration of peace and security to the region, then it has only to withdraw from the Shab`a farmlands, to release the detainees, to withdraw fully from the occupied Golan to the line of 4 June 1967 and to enable the Palestinian people to exercise its inalienable rights, including the right to establish

an independent State with Jerusalem as its capital and the right of the refugees to return to their land and their homes.

Lebanon urges Israel to discharge in full its obligations under the relevant Security Council resolutions and in accordance with the principles of international law and to desist completely from the repeated violations of Lebanon's sovereignty that it commits on land, at sea and in the air. Lebanon alerts the international community to the gravity of these violations, and it calls upon the United Nations to act resolutely to end Israel's occupation of the occupied Arab territories in implementation of the resolutions that constitute international legality.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 40, and of the Security Council.

(*Signed*) Sélim **Tadmoury**
Ambassador
Permanent Representative

United Nations A/55/930–S/2001/454

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**General Assembly**
**Fifty-fifth session**
**Agenda item 40**
**The situation in the Middle East**

**Security Council**
**Fifty-sixth year**

## Letter dated 8 May 2001 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to my previous letters on the same subject, I have the honour to convey to you hereunder a list of the violations and infringements that were committed by Israel against Lebanon in the period from 19 to 30 April 2001. Lebanon regards these incidents as an extension of Israel's aggression against its people and territory.

**19 April 2001**

Between 1110 and 1120 hours an Israeli enemy helicopter flew over the occupied Shab`a farmlands releasing heat balloons. It then left in the direction of the occupied territories.

At 1130 hours Israeli enemy warplanes overflew the Nabatiyah area at low altitudes.

Between 1145 and 1250 hours Israeli enemy warplanes overflew the South, the North and Mount Lebanon at very high altitudes.

At 1515 hours Israeli enemy forces fired four direct-fire rounds at the vicinity of Birkat al-Sawwanah in an outlying area of Shab`a town in the liberated territories from one of their outposts in the occupied Shab`a farmlands.

At 1555 hours Israeli warplanes overflew the Naqurah area in a southerly direction at very high altitudes. At 1725 hours they left in the direction of the occupied territories.

At 1900 hours a 33-year-old Lebanese, Muhammad Hasan Gharib, was brought to Najm Hospital in Tyre after he had been badly wounded when a toy exploded in his hands as he was working on his land at Tayr Harfa.

**20 April 2001**

At 0120 hours an Israeli enemy soldier fired two light-weapons rounds into the air at the Fatimah Gate in an endeavour to cause panic.

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At 0445 hours an Israeli enemy gunboat in the territorial waters of occupied Palestine off Ra's al-Naqurah launched an illumination flare over the surrounding area.

Between 0945 and 1355 hours an Israeli enemy reconnaissance aircraft overflew the Marj Uyun and Hasbayya areas and the occupied Shab`a farmlands at very high altitude.

Between 1100 and 1120 hours Israeli enemy forces at the Ruwaysat al-Alam outpost in the occupied Shab`a farmlands directed a number of bursts of medium-machine-gun fire at the surrounding area.

Between 1215 and 1345 hours Israeli enemy warplanes overflew the South, the Bekaa, Mount Lebanon and the North at very high altitudes, breaking the sound barrier.

Between 1730 and 1735 hours an Israeli enemy soldier fired several light-weapons rounds into the air at the Fatimah Gate in an endeavour to cause panic.

**21 April 2001**

Between 0915 and 0945 hours an Israeli gunboat in the territorial waters of occupied Palestine off Ra's al-Naqurah directed a number of bursts of medium-weapons fire at surrounding areas.

**22 April 2001**

Between 1100 and 1345 hours a crane and a Poclain-type bulldozer belonging to the Israeli enemy forces were engaged in fortification work at the Radar hill outpost in the occupied Shab`a farmlands.

Between 1540 and 1550 hours Israeli enemy forces at the Ruwaysat al-Alam and Summaqah outposts in the occupied Shab`a farmlands directed a number of bursts of medium-machine-gun fire at the surrounding area.

**23 April 2001**

Between 0945 and 1020 hours there were two explosions in the Mughr Shab`a area of the occupied Shab`a farmlands. Israeli enemy forces at the Mazra`at Fashkul outpost in the occupied Shab`a farmlands also directed a number of bursts of medium-weapons fire at the surrounding area.

Between 1005 and 1125 hours Israeli warplanes overflew the South, the North and Mount Lebanon at very high altitudes.

At 1230 hours Israeli enemy forces at the Ruwaysat al-Alam outpost in the occupied Shab`a farmlands fired three tank shells at Mazra`at Bastarah in the liberated Lebanese territories.

Between 1600 and 1645 hours there were four explosions south of the Israeli enemy forces outpost at Mazra`at Fashkul in the occupied Shab`a farmlands.

Between 1720 and 1745 hours two Israeli helicopters flew over the occupied Shab`a farmlands and Israeli enemy forces at the Summaqah hill outpost directed a number of bursts of fire at the surrounding area.

Between 1845 and 2120 hours there were six explosions along the road leading to the Israeli enemy forces outpost at Mazra`at Fashkul in the occupied Shab`a farmlands.

At 2230 hours Israeli enemy forces at the Dahr al-Jamal position in the occupied Palestinian territories opposite Ramiyah town launched two illumination flares over the surrounding area.

Between 2255 and 2320 hours two Israeli helicopters flew over the occupied Shab`a farmlands.

**24 April 2001**

At 0900 hours Israeli enemy warplanes flew over the Lebanon-Palestine boundary in the Ra's al-Naqurah border area.

At 1000 hours Israeli enemy forces sent up a balloon over Misgav Am hill in occupied Palestine in order to monitor the boundaries.

At 1030 hours Israeli warplanes overflew Qulaylah at moderate altitudes.

Between 1225 and 1245 hours Israeli enemy warplanes overflew the Tyre, Nabatiyah, and Marj Uyun areas at very high altitudes, breaking the sound barrier in the Nabatiyah area.

At 1230 hours Israeli enemy warplanes overflew the Tyre area breaking the sound barrier.

Between 1745 and 1800 hours Israeli enemy forces strafed the area around their outpost at Mazra`at Fashkul in the occupied Shab`a farmlands with medium-machine-gun fire.

**25 April 2001**

Between 0830 and 0845 hours an Israeli reconnaissance aircraft overflew the Jazzin area at very high altitude.

Between 0828 and 1500 hours an Israeli reconnaissance aircraft overflew the Bekaa and was met with fire from the anti-aircraft artillery units of the fraternal Syrian Arab forces.

At 1000 hours Israeli MK warplanes flew over the Janta area east of Ba`labakk and the anti-aircraft artillery units of the fraternal Syrian Army fired at them.

At 1100 hours Israeli enemy warplanes overflew the Ba`labakk area at high altitudes and were met with anti-aircraft artillery fire.

Between 1500 and 1545 hours Israeli forces strafed the area around their outposts at Ramta hill and Mazra`at Fashkul in the occupied Shab`a farmlands with medium-weapons fire. An enemy reconnaissance aircraft also flew over the Naqurah area at very high altitude.

**26 April 2001**

Between 1110 and 1220 hours Israeli enemy warplanes overflew the South and the Batrun area as well as areas off Shikka at very high altitudes.

At 1630 hours Israeli enemy forces stationed in the occupied Shab`a farmlands fired three artillery shells that impacted close to two Lebanese citizens, Faris As`ad Hamdan, 35, and Husayn Khalil Zahrah, 37, as they were tending livestock in an outlying area of Shab`a town to the east of Birkat al-Naqqar. No one was hurt.

At 1635 hours Israeli enemy forces fired two 120-mm mortar rounds from one of their outposts in the occupied Shab`a farmlands. One of them impacted in an outlying area of Shab`a town in the liberated territories and the other in the vicinity of the enemy outpost at Summaqah in the occupied Shab`a farmlands.

**27 April 2001**

Between 1020 and 1240 hours Israeli enemy warplanes overflew the Shuf and the South at very high altitudes. They also overflew the Jba` detachment zone at moderate altitude.

At 1100 hours Israeli enemy warplanes overflew the Jabal al-Rayhan area.

At 1115 hours Israeli enemy warplanes overflew the Qulaylah detachment zone.

Between 1605 and 1800 hours Israeli enemy warplanes circled offshore 10 nautical miles west of Shikka over Lebanese territorial waters.

**28 April 2001**

At 1910 hours a landmine exploded in Mays al-Jabal near the Lebanon-Palestine boundary. It was set off by an unidentified fisherman.

At 1915 hours a landmine was set off by Shadi Musa Shartuni (mother's name Muna), a young man of about 16 years of age from Mays al-Jabal, in the Kurum al-Marah locality outside Mays al-Jabal near the Lebanon-Palestine boundary. He was killed, and the body was retrieved at 2350 hours.

Between 2215 and 2220 hours Israeli enemy forces at the Mazra`at Fashkul outpost in the occupied Shab`a farmlands directed a number of bursts of medium-machine-gun fire at the surrounding area.

At 0025 hours an Israeli enemy gunboat in the territorial waters of occupied Palestine off Ra's al-Naqurah launched an illumination flare over the surrounding area.

**29 April 2001**

Between 0545 and 0600 hours Israeli enemy forces at the Ramta hill and Ruwaysat al-Alam outposts fired four mortar rounds of unknown calibre and directed a number of bursts of medium-machine-gun fire at the surrounding area.

At intervals between 0900 and 1300 hours Israeli enemy warplanes overflew the South, the North and Mount Lebanon at very high altitudes.

Between 1800 and 1825 hours Israeli enemy forces at the Ruwaysat al-Alam hill, Summaqah hill and Mazra`at Fashkul outposts in the occupied Shab`a farmlands fired several bursts of medium-weapons fire at surrounding areas. There were also three unexplained explosions inside the farmlands area.

This new series of Israeli violations in which a number of Lebanese citizens were injured and one citizen was killed by landmines left behind by Israel in the liberated areas, represents in aggregate a flagrant violation of Security Council resolution 425 (1978) and of Lebanon's sovereignty and poses a threat to stability in the region.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 40, and of the Security Council.

(*Signed*) Sélim **Tadmoury**
Ambassador
Permanent Representative